



Journal of the House

State of Indiana

119th General Assembly

First Regular Session

Fiftieth Day

Monday Afternoon

April 27, 2015

The invocation was offered by Pastor Gabe Doerksen of Grace Evangelical Church in Indianapolis, a guest of Representative Mike Speedy.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Mike Speedy.

The Speaker ordered the roll of the House to be called:

Arnold	Klinker
Austin	Koch
Aylesworth	Lawson
Bacon	Lehe
Baird	Lehman
Bartlett	Leonard
Bauer	Lucas
Behning	Macer
Beumer	Mahan
Borders	Mayfield
Braun	McMillin
C. Brown	McNamara
T. Brown	D. Miller
Burton	Moed
Carbaugh	Morris
Cherry	Morrison
Clere	Moseley
Cook	Negele
Cox	Niezgodski
Culver	Nisly
Davisson	Ober
DeLaney	Olthoff
Dermody	Pelath
DeVon	Pierce
Dvorak	Porter
Eberhart	Price
Errington	Pryor
Fine	Rhoads
Forestal	Richardson
Friend	Riecken
Frizzell	Saunders
Frye	Schaibley
GiaQuinta	Shackleford
Goodin	Slager
Gutwein	Smaltz □
Hale	M. Smith
Hamm	V. Smith
Harman	Soliday
D. Harris	Speedy
Heaton	Stemler
Huston	Steuerwald
Judy	Sullivan
Karickhoff	Summers
Kersey	Thompson
Kirchhofer	Torr

Truitt
Ubelhor
VanNatter
Washburne
Wesco

Wolkins
Wright
Zent
Ziemke
Mr. Speaker

Roll Call 525: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: □ indicates those who were excused.]

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 86

Representative McMillin introduced House Concurrent Resolution 86:

A CONCURRENT RESOLUTION recognizing and thanking the many men and women who have served at Indiana Michigan Power's Tanners Creek Plant and provided reliable electricity to the people of Indiana for more than 64 years.

Whereas, The men and women of Indiana Michigan Power's Tanners Creek Plant have served as a reliable and dedicated provider of electric service in Indiana since 1951;

Whereas, Indiana Michigan Power's Tanners Creek Plant opened its first unit for operation serving the people of Indiana in 1951;

Whereas, During its first two years in operation, Indiana Michigan Power's Tanners Creek Plant was rated the world's most efficient steam plant, and when Unit 4 went on line in 1964, it became the largest generating facility in the American Electric Power (AEP) System;

Whereas, Safety and environmental stewardship have always been of the utmost importance at Indiana Michigan Power's Tanners Creek Plant over the past 64 years, and among the facility's many awards and distinctions reflecting these priorities was AEP's prestigious Horizon Award in 2002;

Whereas, Indiana Michigan Power's Tanners Creek Plant has always striven to work as a team to ensure Hoosiers' lights stay on;

Whereas, A prime example of this dedication was during the 2014 polar vortex when Indiana Michigan Power's Tanners Creek Plant served as a vital key in the reliability of the electric grid stability by operating all four units with many retirees and former employees returning to the plant and helping to ensure that its legacy as a reliable servant to the state continued;

Whereas, The profession of working in a generating facility and ensuring that the lights stay on, that Hoosiers are comfortable in their homes, and that businesses operate smoothly is a role that Indiana Michigan Power's Tanners Creek Plant employees embraced openly, embodied in their work ethic and in the Hoosier spirit of hospitality and service;

Whereas, Indiana Michigan Power's Tanners Creek Plant employees and their families have served a critical and

immeasurable role in the community and livelihood of southeast Indiana for many decades;

Whereas, The employees and families of Indiana Michigan Power's Tanners Creek Plant have supported the community in many ways over the 64 years the plant has served Indiana, including the "People Helping People Program," a non-profit group formed by the plant's employees benefiting the community in many ways and annually donating tens of thousands of cans of food to food pantries in Lawrenceburg and the surrounding counties; and

Whereas, Indiana Michigan Power's Tanners Creek Plant will cease producing electricity in May 2015, but its legacy as a home to many families, community steward, and a reliable electric provider to the people of Indiana will never be forgotten: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the efforts of the hardworking, professional, dedicated men and women and their families of the Indiana Michigan Power's Tanners Creek Plant in keeping the power on and protecting public safety since 1951 and sincerely thanks every current and former employee at the Indiana Michigan Power's Tanners Creek Plant and their family members for their 64 years of service to ensuring the lights stay on, protecting the safety of all involved, and helping in the growth of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the people of Indiana Michigan Power's Tanners Creek Plant.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Perfect.

House Resolution 68

Representatives Wolkins, Beumer, Goodin and Stemler introduced House Resolution 68:

A HOUSE RESOLUTION urging the United States Environmental Protection Agency to retain existing ozone standards.

Whereas, The Indiana House of Representatives supports the adoption of federal National Ambient Air Quality Standards (NAAQS) that are protective of human health, public welfare, and the environment, and believes that the standards must be supported by compelling scientific evidence;

Whereas, There have been few new health studies published since the last ozone standards were promulgated in 2008 showing compelling evidence that lowering the NAAQS for ozone would have significant beneficial results; rather, the United States Environmental Protection Agency has relied on outdated, nonpeer reviewed data to support the new proposal;

Whereas, Indiana has successfully reduced emissions and lowered ozone levels over the last 20 years, so much so that only two counties in Indiana remain nonattainment areas;

Whereas, In 2014 Indiana adopted the lower federal ozone standard of .75ppm, which has not been fully implemented;

Whereas, The states should be given the opportunity to implement the current standard before the United States Environmental Protection Agency lowers the standard again;

Whereas, The United States Environmental Protection Agency has proposed a new NAAQS range for ozone levels that is so low as to be approaching or to be below background levels in many areas of the country and in several rural areas in Indiana;

Whereas, The United States Environmental Protection Agency's proposed ozone levels could push virtually the entire country and all 92 Indiana counties into "nonattainment areas";

Whereas, Indiana counties likely impacted by the proposed standards are responsible for manufacturing, natural resources, and construction jobs that contribute millions of dollars to Indiana's GDP;

Whereas, Areas designated "nonattainment" face a cascade of harmful impacts for local economies. As state and local officials must seek emissions reductions from cars, fuels, consumers, and commercial activity, nonattainment areas could lose jobs and tax revenue to neighboring locales that are in attainment. Federal highway and transit funding could be at risk, because projects must conform with state implementation plans. With standards approaching background levels, compliance tools do not exist to bring many areas into compliance. Small businesses such as gas stations, bakeries, printing operations, dry cleaners, auto body shops, and small manufacturers will be directly affected. Economic growth will be halted until existing businesses close or reduce operations to offset new growth and jobs;

Whereas, The economic hardship resulting from the United States Environmental Protection Agency's proposal to the American worker is real and immediate while the benefits are unverified and uncertain; and

Whereas, The science does not support a change in these standards, and the current standard protects public health with an adequate margin of safety: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives supports retention of the current National Ambient Air Quality Standard for the primary and secondary ozone standard.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to each member of the Indiana Congressional Delegation and the Administrator of the United States Environmental Protection Agency.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 69

Representatives Karickhoff, Hamm and Friend introduced House Resolution 69:

A HOUSE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of payment for part-time employees of charitable gaming organizations.

Whereas, IC 4-32.2-5-12 prevents an operator or a worker who is not a full-time employee from receiving remuneration for conducting or assisting in conducting an allowable charitable event;

Whereas, The Indiana Gaming Commission receives numerous complaints annually regarding the payment of part-time employees or their acceptance of tips; and

Whereas, To ensure that more clarity exists and that these part-time employees are treated in the fairest possible manner, this topic should be further studied: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of payment for part-time employees of charitable gaming organizations.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 70

Representatives Kirchhofer and Hale introduced House Resolution 70:

A HOUSE RESOLUTION urging the legislative council to assign these topics to an appropriate study committee.

Whereas, Further study of these listed topics would be beneficial to the citizens of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign the following topics to an appropriate study committee:

1. Emerging technology, social media, and other electronic platforms and the impact they have on crime involving sexual assault, blackmail, bullying, etc.
2. Curbing demand for prostitution through increasing the fines and penalties for those persons who purchase sex; further increasing the fines and penalties when purchasing sex from a child.
3. Establishing an affirmative definition of consent, re: rape/sexual assault.
4. Ensuring confidentiality for campus assault advocates.
5. Providing safe harbor - ensuring that child victims of human trafficking are not charged with prostitution but are treated by the criminal justice system as victims.
6. Funding for victim services.
7. Providing a mechanism for groups that serve children to collect data dealing with human trafficking victims.
8. Exploring the possibility of vacating convictions for prostitution or other crimes committed while the person was being trafficked.
9. Reviewing statewide study of children, assault, and underreporting, to include the possible need for further study.
10. Child molesters and the spread of sexually transmitted diseases to underage victims.
11. Custody issues between rape victims, particularly underage victims, and rape perpetrators.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 71

Representatives Clere, C. Brown and Davisson introduced House Resolution 71:

A HOUSE RESOLUTION urging the federal Centers for Medicare and Medicaid Services to revise the survey measures included in the Hospital Consumer Assessment of Healthcare Providers and Systems that relate to the treatment of pain management.

Whereas, The number of deaths resulting from drug overdose continues to be a public health crisis in Indiana, with a 57 percent increase in the number of deaths over the past decade;

Whereas, According to the Indiana State Department of Health, drug overdoses caused 999 deaths among Indiana residents in 2012;

Whereas, The Centers for Disease Control has ranked Indiana ninth with regard to the amount of opioid prescriptions that are being issued compared to the other states. Prescription drugs are involved in most of the unintentional drug overdoses and have largely driven the rise in deaths;

Whereas, The State of Indiana must take steps to end this crisis, including setting appropriate expectations for patient

pain relief and setting incentives for the appropriate use of prescription pain medications, while maintaining the ability of health care professionals to exercise sound and independent clinical judgment in the best interests of their patients;

Whereas, The federal Centers for Medicare and Medicaid Services, in its Hospital Consumer Assessment of Healthcare Providers and Systems (HCAHPS), a survey instrument that measures patients' perceptions of their hospital experience, surveys patients on the topic of pain management and ties Medicare reimbursements to HCAHPS results;

Whereas, The 2013 IPLA INSPECT Knowledge and Use Survey reported that 85.7 percent of prescribers that responded to the survey reported to at least a moderate concern about prescription drug abuse in their community;

Whereas, Even though pain management enhances the quality of life in patients suffering from acute and chronic pain, health care professionals' concern about patients' pain management related survey responses may create a risk of over prescribing opioids; and

Whereas, Health care professionals and facilities should be primarily assessed on best medical practices rather than patient perceptions: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives urges the Centers for Medicare and Medicaid Services to immediately revise the HCAHPS survey measures to better address the topic of pain management and to implement these changes with all due haste.

SECTION 2. That the Indiana House of Representatives supports the efforts of those involved in drug abuse research, education, community outreach, and prevention in order to build an environment in which alternatives to opiates are available.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the United States Secretary of Health and Human Services, the administrator of the Centers for Medicare and Medicaid Services, and the news media of Indiana.

The resolution was read a first time and adopted by voice vote.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, April 28, 2015, at 10:00 a.m.

FRIEND

The motion was adopted by a constitutional majority.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Concurrent Resolution 35, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to SC 35 as introduced.)

Committee Vote: Yeas 9, Nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Concurrent Resolution 50, has had the same under consideration and begs leave to report the same

back to the House with the recommendation that said resolution do pass.

(Reference is to SC 50 as introduced.)

Committee Vote: Yeas 10, Nays 0.

SOLIDAY, Chair

Report adopted.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1635 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BEHNING

Motion prevailed.

Representative Beumer, who had been present, is now excused.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after April 15, 2015, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1181-01, 1278-01 and 1603-01.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 15, 2015, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1181-01, 1278-01 and 1603-01.

TORR, Chair

Motion prevailed.

CONFERENCE COMMITTEE REPORT EHB 1181-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1181 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 3, delete lines 11 through 15.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1181 as printed April 8, 2015.)

LEHE	LEISING
KLINKER	RANDOLPH
House Conferees	Senate Conferees

Roll Call 526: yeas 97, nays 0. Report adopted.

Representative Beumer, who had been excused, is now present.

CONFERENCE COMMITTEE REPORT EHB 1278-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1278 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-2.1-17-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 6.5. "Digital network" means an online enabled application, software, web site, or system offered or used by a TNC to enable the prearrangement of rides with TNC drivers.**

SECTION 2. IC 8-2.1-17-11.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 11.2. "Motor vehicle insurance" means any type of insurance described in IC 27-1-5-1, Class 2(f).**

SECTION 3. IC 8-2.1-17-13.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 13.2. "Personal vehicle" means a vehicle that is:**

- (1) used by a TNC driver to provide a prearranged ride;
- (2) owned, leased, or otherwise authorized for use by the TNC driver; and
- (3) not a taxicab, limousine, or other for hire vehicle.

SECTION 4. IC 8-2.1-17-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 13.5. (a) "Prearranged ride" means the provision of transportation by a TNC driver to a TNC rider:**

- (1) beginning when the TNC driver accepts a TNC rider's request for a ride through a digital network controlled by a TNC;
- (2) continuing while the TNC driver transports the requesting TNC rider; and
- (3) ending when the last requesting TNC rider departs from the personal vehicle.

(b) The term "prearranged ride" does not include transportation provided through any of the following:

- (1) A shared expense carpool or vanpool arrangement.
- (2) Use of a taxicab, limousine, or other for hire vehicle.
- (3) A regional transportation authority established under IC 36-9-3.

SECTION 5. IC 8-2.1-17-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 16. "Taxicab" means a motor vehicle that:**

- (1) is designed and constructed to accommodate and transport not more than six (6) passengers in addition to the driver;
- (2) does not operate over any definite and designated routes within the corporate boundaries of a city or town and the suburban territory of a city or town; and
- (3) transports passengers to the destination designated by the passengers at the time of their transportation.

The term does not include a personal vehicle operated by a TNC driver.

SECTION 6. IC 8-2.1-17-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 18. "Transportation network company" or "TNC" means an entity that:**

- (1) does business in Indiana; and

- (2) uses a digital network to connect TNC riders to TNC drivers to request prearranged rides.

SECTION 7. IC 8-2.1-17-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 19. "TNC driver" means an individual who:

- (1) receives:
 - (A) connections to potential TNC riders; and
 - (B) related services;
 from a TNC in exchange for payment of a fee to the TNC; and
- (2) uses a personal vehicle to offer or provide prearranged rides to TNC riders:
 - (A) upon connection through a digital network controlled by the TNC; and
 - (B) in exchange for compensation or payment of a fee.

SECTION 8. IC 8-2.1-17-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 20. "TNC rider" means an individual who uses a TNC's digital network to connect with a TNC driver who provides to the individual a prearranged ride:

- (1) in the TNC driver's personal vehicle; and
- (2) between points chosen by the individual.

SECTION 9. IC 8-2.1-19-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. This chapter does not apply to a personal vehicle operated by a TNC driver.

SECTION 10. IC 8-2.1-19.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 19.1. Transportation Network Companies

Sec. 1. (a) A transportation network company may not operate in Indiana without a permit issued under section 3 of this chapter.

(b) A permit is valid for one (1) year after the date of issuance.

Sec. 2. A TNC or a TNC driver is not:

- (1) a common carrier;
- (2) a contract carrier; or
- (3) a motor carrier.

Sec. 3. The department shall issue a permit to a TNC that satisfies the following requirements:

- (1) Establishes a zero tolerance policy for drug and alcohol use under section 6 of this chapter.
- (2) Requires compliance with applicable vehicle requirements under section 7 of this chapter.
- (3) Imposes motor vehicle insurance requirements that meet or exceed the requirements under section 8 of this chapter.
- (4) Establishes fare guidelines under section 13 of this chapter.
- (5) Establishes a privacy policy under section 14 of this chapter.
- (6) Adopts nondiscrimination and accessibility policies under section 15 of this chapter.
- (7) Establishes record maintenance guidelines under section 16 of this chapter.

Sec. 4. Except as otherwise provided in a written contract:

- (1) a TNC driver who connects to a TNC's digital network is an independent contractor of the TNC; and
- (2) a TNC is not considered to do either of the following:
 - (A) Control, direct, or manage a TNC driver who connects to the TNC's digital network.
 - (B) Own, control, operate, or manage a personal vehicle used by a TNC driver to provide prearranged rides.

Sec. 5. (a) Before a TNC allows an individual to act as a

TNC driver on the TNC's digital network, the TNC shall:

- (1) require the individual to submit to the TNC an application that includes:

- (A) the individual's name, address, and age;
- (B) a copy of the individual's driver's license;
- (C) a copy of the certificate of registration for the personal vehicle that the individual will use to provide prearranged rides;
- (D) proof of financial responsibility for the personal vehicle described in clause (C) of a type and in the amounts required by the TNC; and
- (E) any other information required by the TNC;

- (2) with respect to the individual, conduct, or contract with a third party to conduct:

- (A) a local and national criminal background check; and
- (B) a search of the national sex offender registry; and

- (3) obtain a copy of the individual's driving record maintained under IC 9-14-3-7.

(b) A TNC may not knowingly allow to act as a TNC driver on the TNC's digital network an individual:

- (1) who has received judgments for:
 - (A) more than three (3) moving traffic violations; or
 - (B) at least one (1) violation involving reckless driving or driving on a suspended or revoked license;

in the preceding three (3) years;

- (2) who has been convicted of a:

- (A) felony; or
- (B) misdemeanor involving:
 - (i) resisting law enforcement;
 - (ii) dishonesty;
 - (iii) injury to a person;
 - (iv) operating while intoxicated;
 - (v) operating a vehicle in a manner that endangers a person;
 - (vi) operating a vehicle with a suspended or revoked license; or
 - (vii) damage to the property of another person;

in the preceding seven (7) years;

- (3) who is a match in the national sex offender registry;

- (4) who is unable to provide information required under subsection (a); or

- (5) who is less than nineteen (19) years of age.

Sec. 6. (a) A TNC shall establish and enforce a zero tolerance policy for drug and alcohol use by TNC drivers during any period when a TNC driver is engaged in, or is logged into the TNC's digital network but is not engaged in, a prearranged ride. The policy must include provisions for:

- (1) investigations of alleged policy violations; and
- (2) suspensions of TNC drivers under investigation.

(b) A TNC shall publish on the TNC's digital network:

- (1) the policy established under subsection (a); and
- (2) the procedure by which a TNC rider may report a violation of the policy by a TNC driver.

Sec. 7. A TNC must require that a personal vehicle used to provide prearranged rides must comply with all applicable laws and regulations concerning vehicle equipment.

Sec. 8. (a) Not later than July 15, 2015, a TNC driver, or a TNC on the TNC driver's behalf, shall maintain primary motor vehicle insurance that meets the following requirements:

- (1) The motor vehicle insurance is issued:
 - (A) by an insurance company that holds a certificate of authority to do insurance business in Indiana under IC 27-1-3-20; or
 - (B) through a surplus lines producer licensed under IC 27-1-15.8.

- (2) The language of the motor vehicle insurance policy:
- (A) recognizes that the driver is a TNC driver or otherwise uses the personal vehicle to transport passengers for compensation; and
 - (B) covers the driver while the driver is:
 - (i) logged on to the TNC's digital network; or
 - (ii) engaged in a prearranged ride.
- (3) The motor vehicle insurance must meet the following coverage requirements while a TNC driver is logged on to the TNC's digital network, but is not engaged in a prearranged ride:
- (A) Primary motor vehicle liability insurance in an amount equal to at least:
 - (i) fifty thousand dollars (\$50,000) per person for death and bodily injury;
 - (ii) one hundred thousand dollars (\$100,000) per incident for death and bodily injury; and
 - (iii) twenty-five thousand dollars (\$25,000) per incident for property damage;
 - (B) The insurance required by clause (A) may be provided by any of the following:
 - (i) Motor vehicle insurance maintained by the TNC driver.
 - (ii) Motor vehicle insurance maintained by the TNC.
 - (iii) Motor vehicle insurance maintained by any combination of items (i) and (ii).
- (4) The motor vehicle insurance must meet the following coverage requirements while a TNC driver is engaged in a prearranged ride:
- (A) Primary motor vehicle liability insurance in an amount equal to at least one million dollars (\$1,000,000) per incident for death, bodily injury, and property damage.
 - (B) The insurance required by clause (A) may be provided by any of the following:
 - (i) Motor vehicle insurance maintained by the TNC driver.
 - (ii) Motor vehicle insurance maintained by the TNC.
 - (iii) Motor vehicle insurance maintained by any combination of items (i) and (ii).
- (b) If motor vehicle insurance maintained by a TNC driver as described in subsection (a) lapses or does not provide the required coverage:
- (1) motor vehicle insurance maintained by the TNC must provide the required coverage beginning with the first dollar of a claim; and
 - (2) the insurance company that issues the motor vehicle insurance described in subdivision (1) has a duty to defend the claim described in subdivision (1).
- (c) Coverage under motor vehicle insurance maintained by a TNC may not be dependent on a personal motor vehicle insurance company's first denying a claim for coverage under a personal motor vehicle insurance policy, nor may a personal motor vehicle insurance company be required to first deny a claim.
- (d) A motor vehicle insurance policy that meets the coverage requirements of subsection (a) satisfies the financial responsibility requirement of IC 9-25 while the driver of the personal vehicle is:
- (A) logged on to the TNC's digital network; or
 - (B) engaged in a prearranged ride.
- (e) A TNC driver shall do the following:
- (1) At all times during which the TNC driver uses a personal vehicle in connection with a TNC's digital network, carry proof of the coverage required by subsection (a).
 - (2) In the event of an accident, upon request, provide to directly interested parties, motor vehicle insurance companies, and investigating law enforcement officers:
 - (A) the proof described in subdivision (1); and
 - (B) a disclosure of whether the TNC driver was:
 - (i) logged on to the TNC's digital network; or
 - (ii) engaged in a prearranged ride; at the time of the accident.
- Information provided under this subdivision may be provided in electronic form under IC 27-1-43-3, as applicable.
- (f) If a TNC's motor vehicle insurance provides comprehensive coverage or collision coverage for a claim for repair to a personal vehicle, the TNC shall direct the insurance company to make the claim payment:
- (1) directly to the person that repairs the personal vehicle as payment in full for the completed repairs; or
 - (2) jointly to:
 - (A) the owner of; and
 - (B) any primary lienholder on; the personal vehicle.
- Sec. 9. A TNC shall, before the TNC allows a TNC driver to accept a request for a prearranged ride on the TNC's digital network, disclose in writing to the TNC driver all the following:
- (1) The motor vehicle insurance coverage, including the types of coverage and limits of liability for each type of coverage, that the TNC provides while the TNC driver uses a personal vehicle in connection with a TNC's digital network.
 - (2) That the terms of the TNC driver's own motor vehicle insurance policy may not provide coverage while the TNC driver is:
 - (A) logged on to the TNC's digital network; or
 - (B) engaged in a prearranged ride.
- Sec. 10. (a) An insurance company that writes motor vehicle insurance in Indiana may exclude coverage under a motor vehicle insurance policy issued to an owner or operator of a personal vehicle for a loss or injury that occurs while the driver is:
- (1) logged on to a TNC's digital network; or
 - (2) engaged in a prearranged ride.
- (b) An exclusion described in subsection (a) includes any coverage included in a motor vehicle insurance policy, including the following:
- (1) Liability coverage for death, bodily injury, and property damage.
 - (2) Uninsured and underinsured motorist coverage.
 - (3) Medical payments coverage.
 - (4) Comprehensive physical damage coverage.
 - (5) Collision physical damage coverage.
- (c) An exclusion described in this section applies notwithstanding any requirement of IC 9-25.
- (d) This chapter does not do either of the following:
- (1) Require a personal motor vehicle insurance policy to provide coverage while the driver is:
 - (A) logged on to a TNC's digital network;
 - (B) engaged in a prearranged ride; or
 - (C) otherwise using a personal vehicle to transport passengers for compensation.
 - (2) Preclude an insurance company from providing the coverage described in subdivision (1) under a contract or an endorsement.
- Sec. 11. (a) An insurance company that excludes coverage described in section 10 of this chapter has no duty to defend or indemnify a claim for coverage that is expressly excluded under a motor vehicle insurance policy.
- (b) This chapter does not invalidate or limit an exclusion:
- (1) of coverage for a personal vehicle that is:
 - (A) used to carry an individual or property for a charge; or
 - (B) available for hire by the public; and
 - (2) contained in a motor vehicle insurance policy; including a policy filed under IC 27-1-22-4 or in use in

Indiana before July 1, 2015.

(c) An insurance company that defends or indemnifies a claim against a TNC driver for which coverage is excluded under the terms of a motor vehicle insurance policy has a right of contribution against any other insurance company that issues motor vehicle insurance coverage to the TNC driver:

- (1) in satisfaction of the requirements of section 8 of this chapter; and
- (2) in effect at the time the loss occurs.

Sec. 12. In a claim coverage investigation, a TNC and an insurance company that issues a motor vehicle insurance policy potentially providing the coverage required by section 8 of this chapter shall cooperate to facilitate the exchange of information with directly involved parties and any insurance company that issues a motor vehicle insurance policy that provides coverage to the TNC driver, including:

- (1) the precise time that a TNC driver logs on to and off of the TNC's digital network during the twelve (12) hour period immediately preceding, and the twelve (12) hour period immediately following, the accident; and
- (2) disclosure among the parties and insurance companies of a clear description of the insurance coverage, exclusions, and limitations that apply under any applicable motor vehicle insurance policy that:
 - (A) is issued or maintained by a party; and
 - (B) provides the coverage required by section 8 of this chapter.

Sec. 13. (a) A TNC shall establish guidelines under which a TNC may charge a fare for prearranged rides. The guidelines must require the following:

- (1) Disclosure of the fare calculation method on the TNC's digital network.
- (2) Publication to TNC riders of applicable rates at the time of service.
- (3) Providing a TNC rider the option to receive an estimated fare before the TNC rider enters a personal vehicle operated by a TNC driver.
- (4) Payment of a fare only by electronic means using the TNC's digital network.

(b) A TNC driver may not solicit or accept cash payments from TNC riders.

Sec. 14. (a) A TNC shall establish a privacy policy to protect the personal identifying information of a TNC rider.

(b) A policy established under subsection (a) shall prohibit the disclosure of a TNC rider's personal identifying information unless:

- (1) the TNC rider consents in writing to the disclosure;
- (2) the disclosure is required under law; or
- (3) the disclosure is necessary to:
 - (A) protect or defend; or
 - (B) investigate violations of; the terms of use of prearranged rides.

(c) A policy established under subsection (a) may authorize the disclosure of a TNC rider's name and telephone number by a TNC to a TNC driver to facilitate the provision of prearranged rides by the TNC driver to the TNC rider.

Sec. 15. (a) A TNC shall adopt policies concerning nondiscrimination and accessibility that comply with state and federal law.

(b) A TNC may not impose an additional charge on or a different fare schedule for a TNC rider who is an individual with a disability.

(c) At the time a TNC rider requests a prearranged ride through a TNC's digital network, the TNC shall provide the

TNC rider an opportunity to indicate whether the TNC rider requires a vehicle that is wheelchair accessible. If the TNC is unable to make available a vehicle that is wheelchair accessible, the TNC shall inform the TNC rider of an alternative service that is wheelchair accessible.

Sec. 16. A TNC shall establish record maintenance guidelines that require the following:

- (1) Records related to the enforcement of a zero tolerance policy established under section 6(a) of this chapter must be maintained for at least two (2) years following the date on which a TNC rider reports a violation of the policy.
- (2) Individual trip records must be maintained for at least one (1) year from the date of each trip.
- (3) Records related to a TNC driver must be maintained for at least one (1) year following the date on which a TNC driver is no longer permitted to act as a TNC driver on the TNC's digital network.

Sec. 17. At the time a TNC rider arranges with a TNC for a prearranged ride, the TNC shall display on the TNC's digital network:

- (1) a digital photograph of the TNC driver; and
- (2) the license plate number of the personal vehicle; that will be used to provide a prearranged ride to the TNC rider.

Sec. 18. Within a reasonable time after a TNC driver provides a prearranged ride to a TNC rider, the TNC shall transmit to the TNC rider an electronic receipt that includes the following information:

- (1) The origin and destination of the trip.
- (2) The total duration and distance of the trip.
- (3) An itemization of the total fare.

Sec. 19. A TNC or a TNC driver may not solicit or accept street hails.

Sec. 20. A person that violates this chapter commits a Class A infraction.

SECTION 11. IC 9-19-11-1, AS AMENDED BY P.L.24-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. This chapter does not apply to a person who operates any of the following vehicles:

- (1) A school bus.
- (2) A taxicab.
- (3) An ambulance.
- (4) A public passenger bus.
- (5) A motor vehicle having a seating capacity greater than nine (9) individuals that is owned or leased and operated by a religious or not-for-profit youth organization.
- (6) An antique motor vehicle.
- (7) A motorcycle.
- (8) A motor vehicle that is owned or leased by a governmental unit and is being used in the performance of official law enforcement duties.
- (9) A motor vehicle that is being used in an emergency.
- (10) A motor vehicle that is funeral equipment used in the operation of funeral services when used in:
 - (A) a funeral procession;
 - (B) the return trip to a funeral home (as defined in IC 25-15-2-15); or
 - (C) both the funeral procession and return trip.

(11) A motor vehicle used to provide prearranged rides (as defined in IC 8-2.1-17-13.5).

SECTION 12. IC 36-9-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Except as provided in subsection (b), a unit may regulate the services offered by persons who hold out for public hire the use of vehicles. This includes the power to fix the price to be charged for that service.

(b) A unit may not regulate the following:**(1) A transportation network company (as defined in IC 8-2.1-17-18).****(2) A TNC driver (as defined in IC 8-2.1-17-19).**

(Reference is to EHB 1278 as reprinted April 10, 2015.)

LEHMAN

YODER

HALE

MRVAN

House Conferees

Senate Conferees

Roll Call 527: yeas 98, nays 0. Report adopted.

**ACTION ON RULES SUSPENSIONS AND
CONFERENCE COMMITTEE REPORTS****COMMITTEE REPORT**

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after April 15, 2015, so that they may be eligible to be placed before the House for action: Engrossed Senate Bills 166-01, 168-01, 249-01, 298-01 and 508-01 and Engrossed House Bills 1333-01, 1435-01 and 1531-01.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 15, 2015, so that they may be eligible to be placed before the House for action: Engrossed Senate Bills 166-01, 168-01, 249-01, 298-01 and 508-01 and Engrossed House Bills 1333-01, 1435-01 and 1531-01

TORR, Chair

Motion prevailed.

Representatives DeVon, Harman and VanNatter, who had been present, are now excused.

CONFERENCE COMMITTEE REPORT**EHB 1333-1**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1333 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 21-12-3-1, AS AMENDED BY P.L.281-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) An applicant is eligible for a first year higher education award under this chapter if the student meets the following requirements:

(1) The applicant is a resident of Indiana, as defined by the commission.

(2) The applicant:

(A) has successfully completed the program of instruction at an approved secondary school;

(B) has been granted a:

(i) high school equivalency certificate before July 1, 1995; or

(ii) state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1 (before its repeal), IC 20-20-6 (before its repeal), or IC 22-4.1-18; or

(C) is a student in good standing at an approved secondary school and is engaged in a program that in due course will be completed by the end of the current academic year.

(3) The financial resources reasonably available to the applicant, as defined by the commission, are such that, in the absence of a higher education award under this chapter, the applicant would be deterred from completing the applicant's education at the approved postsecondary educational institution that the applicant has selected and that has accepted the applicant. In determining the financial resources reasonably available to an applicant to whom IC 21-18.5-4-8 applies, the commission must consider the financial resources of the applicant's legal parent.

(4) The applicant will use the award initially at that approved postsecondary educational institution.

(5) If the student is already enrolled in an approved postsecondary educational institution, the applicant must be a full-time student and be making satisfactory progress, as determined by the commission, toward a first baccalaureate degree.

(6) The student declares, in writing, a specific educational objective or course of study and enrolls in:

(A) courses that apply toward the requirements for completion of that objective or course of study; or

(B) courses designed to help the student develop the basic skills that the student needs to successfully achieve that objective or continue in that course of study.

(7) The student is not eligible to receive a twenty-first century scholarship under IC 21-12-6.

(8) The student is not eligible to receive a:

(A) National Guard tuition supplement grant under IC 21-13-4; or

(B) scholarship under the National Guard scholarship extension program under IC 21-13-5.

(b) This subsection applies to an individual who:

(1) meets the requirements set forth in subsection (a); and
(2) before the date that eligibility is determined by the commission, has been placed by or with the consent of the department of child services, by a court order, or by a licensed child placing agency in:

(A) a foster family home;

(B) the home of a relative or other unlicensed caretaker;

(C) a child caring institution; or

(D) a group home.

The commission shall consider an individual to whom this subsection applies as a full-need student under the commission's rules when determining the eligibility of the individual to receive financial aid administered by the commission under this chapter.

SECTION 2. IC 21-13-1-8, AS AMENDED BY SEA 434-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. "Scholarship applicant", for purposes of IC 21-13-4, means a person who:

(1) is an eligible student;

~~(2) is a resident of Indiana, as determined by the commission under IC 21-13-4-1.5;~~

~~(3) (2)~~ has been accepted to attend a state educational institution as a full-time or part-time student;

~~(4) (3)~~ has been certified to have met all National Guard requirements; and

~~(5) (4)~~ according to commission requirements, has timely filed an application for **and, if applicable, used** any federal and state financial assistance available to the person to attend a state educational institution.

SECTION 3. IC 21-13-1-9, AS AMENDED BY SEA 434-2015, SECTION 2, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. "Scholarship extension applicant", for purposes of IC 21-13-5, means a person who:

- (1) is a former member of the Indiana National Guard who was called to active duty at least one (1) time while a member of the Indiana National Guard;
- (2) was a scholarship applicant when the person was called to active duty;
- (3) ~~is a resident of Indiana, as determined by the commission under IC 21-13-4-1.5;~~
- (4) ~~(3)~~ has been accepted to attend a state educational institution as a full-time or part-time student; and
- (5) ~~(4)~~ according to commission requirements, has timely filed an application for **and, if applicable, used** any federal and state financial assistance available to the person to attend a state educational institution.

SECTION 4. IC 21-13-4-1.5, AS ADDED BY SEA-434-2015, SECTION 3, IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 1-5. In determining whether an eligible student is a resident of Indiana, the commission:~~

- (1) ~~may consider only the residency status of the student; and~~
- (2) ~~may not consider the residency status of the student's parents or legal guardian even if the student is considered a dependent for purposes of federal or state financial aid;~~

SECTION 5. IC 21-13-4-3, AS AMENDED BY P.L.281-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. **(a) Subject to subsection (b),** each scholarship awarded under this chapter:

- (1) may be renewed under this chapter for a total scholarship award that does not exceed the equivalent of the number of terms that constitutes four (4) undergraduate academic years; and
- (2) is subject to other eligibility criteria as established by the commission.

(b) A scholarship awarded under this chapter may not be renewed if the eligible individual fails to maintain at least a cumulative grade point average that the eligible institution determines is satisfactory academic progress.

SECTION 6. IC 21-14-4-2, AS AMENDED BY P.L.169-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) Subject to this section and section 2.5 of this chapter, an eligible applicant is entitled to enter, remain, and receive instruction in a state educational institution upon the same conditions, qualifications, and regulations prescribed for other applicants for admission to or scholars in the state educational institutions, without the payment of any educational costs for one hundred twenty-four (124) semester credit hours in the state educational institution.

(b) The maximum amount that an eligible applicant is exempt from paying for a semester hour is an amount equal to the cost of an undergraduate semester credit hour at the state educational institution in which the eligible applicant enrolls.

(c) This subsection applies only to an individual who qualifies for a benefit under this chapter because of a father or mother (or in the case of section 1(1) of this chapter, a related member) who enlisted or otherwise initially served in the armed forces of the United States after June 30, 2011. This subsection applies to a student who initially enrolls in an eligible institution for a semester (or its equivalent) beginning after June 30, 2012. Subject to subsection (d), any benefits awarded under this chapter may not be renewed, subject to subsections (a) and (b), if the eligible individual fails to maintain at least ~~the following~~ a cumulative grade point average

- (1) ~~For credit hours applicable to the equivalent of the applicant's freshman academic year, a cumulative grade point average that the eligible institution determines is satisfactory academic progress.~~
- (2) ~~For credit hours applicable to the equivalent of the~~

~~applicant's sophomore academic year, a cumulative grade point average of 2.25 on a 4.0 grading scale or its equivalent as established by the eligible institution.~~

~~(3) For credit hours applicable to the equivalent of the applicant's junior or senior academic year, a cumulative grade point average of 2.5 on a 4.0 grading scale or its equivalent as established by the eligible institution.~~

(d) After the first semester or its equivalent at the eligible institution that a person does not achieve the requisite cumulative grade point average specified in subsection (c), the person is considered to be on probation and must achieve the requisite cumulative grade point average by the next semester or its equivalent at the eligible institution in order to continue to receive benefits under this chapter.

(e) Notwithstanding any other provision of this chapter or another law, a change in the criteria for or the amount of a benefit awarded under this chapter enacted in the 2011 session of the general assembly applies only to an individual who qualifies for a benefit under this chapter because of a father or mother (or in the case of section 1(1) of this chapter, a related member) who enlisted or otherwise initially served in the armed forces of the United States after June 30, 2011.

SECTION 7. IC 21-16-1-8, AS AMENDED BY SEA 434-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. "Eligible student" means a student who:

- (1) is enrolled as a full-time student at an approved institution of higher education in Indiana;
- (2) completes a Free Application for Federal Student Aid; ~~and~~
- (3) meets financial eligibility requirements based on the student's financial aid application, regardless of the date on which the application is filed; ~~and~~
- (4) **meets any other criteria established by the commission.**

SECTION 8. [EFFECTIVE JULY 1, 2015] **(a) The general assembly recognizes that SEA 434-2015 adds IC 21-13-4-1.5 and that SECTION 4 of this act repeals IC 21-13-4-1.5. The general assembly intends to repeal IC 21-13-4-1.5 effective July 1, 2015.**

(b) This SECTION expires January 1, 2017.

(Reference is to EHB 1333 as printed April 10, 2015.)

TRUITT	KENLEY
MACER	TAYLOR
House Conferees	Senate Conferees

Roll Call 528: yeas 95, nays 0. Report adopted.

Representative Truitt, who had been present, is now excused.

CONFERENCE COMMITTEE REPORT EHB 1435-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1435 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-32.2-4-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 13.5. A qualified organization that gives an alcoholic beverage as a prize at an allowable event shall comply with IC 7.1-3-6.1.**

SECTION 2. IC 7.1-3-1-13 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 13. A person may make a payment to the commission:~~

- (1) in cash;
- (2) by a valid postal money order of the United States;
- (3) by certified check;
- (4) by cashier's check;
- (5) by check drawn on the bank deposit of a business;
- (6) by bank draft;
- (7) by money order;
- (8) by credit card; debit card; charge card; or similar method; or
- (9) if approved by the commission, by an electronic funds transfer (as defined in IC 4-8.1-2-7).

However, payment made by one (1) of the methods listed in subdivisions (3) through (6) must be of or drawn upon a solvent bank or trust company. However, if a payment is made by bank draft, check, cashier's check, or money order, the liability is not finally discharged and the person has not paid the obligation until the draft, check, or money order has been honored by the institution on which it is drawn. If the payment is made by credit card, debit card, charge card, or similar method, the liability is not finally discharged and the person has not paid the liability until the commission receives payment or credit from the institution responsible for making the payment or credit. The commission may contract with a bank or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the commission or charged directly to the commission's account, the commission or credit card vendor may collect from the person using the bank or credit card a fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

SECTION 3. IC 7.1-3-1-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13.5. (a) As used in this section, "credit card" means a:

- (1) credit card;
- (2) debit card;
- (3) charge card; or
- (4) stored value card.

(b) The commission shall accept a payment to the commission for any purpose by any of the following financial instruments:

- (1) Cash.
- (2) Certified check.
- (3) Cashier's check.
- (4) Check drawn on the bank deposit of a business.
- (5) Valid postal money order of the United States.
- (6) Bank draft.
- (7) Money order.
- (8) Bank card or credit card.
- (9) Electronic funds transfer.
- (10) Any other financial instrument authorized by the commission.

(c) If there is a charge to the commission for the use of a financial instrument, the commission may collect a sum equal to the amount of the charge from the person who uses the financial instrument.

(d) A procedure authorized for a particular type of payment must be uniformly applied to all payments of the same type.

(e) The commission may contract with a bank card or credit card vendor for acceptance of bank cards or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the commission or charged directly to the commission's account, the commission may collect from the person using the card:

- (1) an official fee that may not exceed the transaction charge or discount fee charged to the commission by bank or credit card vendors; or
- (2) a reasonable convenience fee:
 - (A) that may not exceed three dollars (\$3); and
 - (B) that must be uniform regardless of the bank

card or credit card used.

The fees described in subdivisions (1) and (2) may be collected regardless of retail merchant agreements between the bank and credit card vendors that may prohibit such fees. These fees are permitted additional charges under IC 24-4.5-3-202.

(f) The commission may pay any applicable bank card or credit card service charge associated with the use of a bank card or credit card under this section.

SECTION 4. IC 7.1-3-3-5, AS AMENDED BY P.L.94-2008, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The holder of a beer wholesaler's permit may purchase and import from the primary source of supply, possess, and sell at wholesale, beer and flavored malt beverages manufactured within or without this state.

(b) A beer wholesaler permittee may possess, transport, sell, and deliver beer to:

- (1) another beer wholesaler authorized by the brewer to sell the brand purchased;
- (2) an employee; or
- (3) a holder of a beer retailer's permit, beer dealer's permit, temporary beer permit, dining car permit, boat permit, airplane permit, or supplemental caterer's permit; and

(4) a qualified organization for:

(A) an allowable event to which IC 7.1-3-6.1 applies; or

(B) a charity auction to which IC 7.1-3-6.2 applies;

located within this state. The sale, donation to a qualified organization, transportation, and delivery of beer shall be made only from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery.

(c) The beer wholesaler's bona fide regular employees may purchase beer from the wholesaler in:

- (1) bottles, cans, or any other type of permissible containers in an amount not to exceed forty-eight (48) pints; or
- (2) one (1) keg;

at any one (1) time.

(d) The importation, transportation, possession, sale, and delivery of beer shall be subject to the rules of the commission and subject to the same restrictions provided in this title for a person holding a brewer's permit.

(e) The holder of a beer wholesaler's permit may purchase, import, possess, transport, sell, and deliver any commodity listed in IC 7.1-3-10-5, unless prohibited by this title. However, a beer wholesaler may deliver flavored malt beverages only to the holder of one (1) of the following permits:

- (1) A beer wholesaler or wine wholesaler permit, if the wholesaler is authorized by the primary source of supply to sell the brand of flavored malt beverage purchased.
- (2) A wine retailer's permit, wine dealer's permit, temporary wine permit, dining car wine permit, boat permit, airplane permit, or supplemental caterer's permit.

(f) A beer wholesaler may:

- (1) store beer for an out-of-state brewer described in IC 7.1-3-2-9 and deliver the stored beer to another beer wholesaler that the out-of-state brewer authorizes to sell the beer;
- (2) perform all necessary accounting and auditing functions associated with the services described in subdivision (1); and
- (3) receive a fee from an out-of-state brewer for the services described in subdivisions (1) through (2).

SECTION 5. IC 7.1-3-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. ~~Scope of Permit.~~ The holder of a temporary beer permit shall be entitled to purchase and receive beer on any day of the year, only from a person who holds a brewer's permit, a beer wholesaler's

permit, or a beer dealer's permit at their respective places of business. A lawful supplier may sell and deliver beer to a temporary beer permit holder on any day of the year at his place of business. **Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2**, the holder of a temporary beer permit shall be entitled to sell beer only for consumption on the licensed premises, and shall be subject to the same restrictions as apply to the sale of beer by the holder of a beer retailer's permit. **Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2**, a temporary beer permittee shall not be entitled to sell at wholesale or for carry-out from the licensed premises.

SECTION 6. IC 7.1-3-6.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 6.1. Charity Gaming Prizes

Sec. 1. As used in this chapter, "allowable event" has the meaning set forth in IC 4-32.2-2-2.

Sec. 2. As used in this chapter, "qualified organization" has the meaning set forth in IC 4-32.2-2-24.

Sec. 3. A qualified organization that holds a license under IC 4-32.2-4 may give an alcoholic beverage as a prize at an allowable event without obtaining an alcoholic beverage permit under this title.

Sec. 4. A qualified organization may give away as a prize for an allowable event an alcoholic beverage that is:

- (1) purchased by or donated to the qualified organization by a permittee or person described in section 5 of this chapter;
- (2) in sealed bottles or cases; and
- (3) provided for consumption off the premises only.

Sec. 5. A qualified organization may:

- (1) purchase or receive donations of alcoholic beverages in sealed bottles or cases from:
 - (A) a wholesaler permittee;
 - (B) a retailer permittee;
 - (C) a dealer permittee;
 - (D) a farm winery permittee;
 - (E) a brewer permittee for a brewery that manufactures an aggregate of not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana; or
 - (F) an artisan distiller permittee; and
- (2) receive donations of alcoholic beverages in sealed bottles or cases from persons who are not permittees.

Sec. 6. (a) An individual must be present at the allowable event in order to win an alcoholic beverage prize. The prize winner must be given the alcoholic beverage prize in person by an individual designated by the qualified organization.

(b) The individual designated by the qualified organization to give away an alcoholic beverage prize must be at least twenty-one (21) years of age. The individual may not be required to obtain an employee's permit under IC 7.1-3-18-9 or a temporary bartender's permit under IC 7.1-3-18-11 to award a prize at an allowable event.

(c) When giving away an alcoholic beverage prize, the individual designated by the qualified organization shall comply with IC 7.1-5-10-15, IC 7.1-5-10-23, and any other provision of this title that applies to the furnishing of alcoholic beverages for consumption off the premises.

Sec. 7. An allowable event to which this chapter applies may be conducted on premises that are not licensed under this title for the sale of alcoholic beverages.

SECTION 7. IC 7.1-3-6.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 6.2. Charity Auctions

Sec. 1. As used in this chapter, "qualified organization" has the meaning set forth in IC 4-32.2-2-24.

Sec. 2. A qualified organization may sell an alcoholic beverage at auction as provided under this chapter without obtaining an alcoholic beverage permit under this title.

Sec. 3. A qualified organization may sell at auction an alcoholic beverage that is:

- (1) purchased from or received as a donation from a permittee or person described in section 5 of this chapter;
- (2) in sealed bottles or cases; and
- (3) for consumption off the premises only.

Sec. 4. All sale proceeds of each auctioned alcoholic beverage must be used to support the institutional activities of the qualified organization.

Sec. 5. A qualified organization may auction alcoholic beverages that are purchased by or donated to the qualified organization in sealed bottles or cases from:

- (1) a wholesaler permittee;
- (2) a retailer permittee;
- (3) a dealer permittee;
- (4) a farm winery permittee;
- (5) a brewer permittee for a brewery that manufactures an aggregate of not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana;
- (6) an artisan distiller permittee; or
- (7) a person who is not a permittee.

Sec. 6. (a) An individual must be present in order to bid on and purchase an alcoholic beverage at auction. The successful bidder must be given the alcoholic beverage in person by an individual designated by the qualified organization.

(b) The individual designated by the qualified organization to give away an alcoholic beverage purchased at the auction must be at least twenty-one (21) years of age. The individual may not be required to obtain an employee's permit under IC 7.1-3-18-9 or a temporary bartender's permit under IC 7.1-3-18-11 to give away an alcoholic beverage purchased at the auction.

(c) When giving away an alcoholic beverage purchased at the auction, the individual designated by the qualified organization shall comply with IC 7.1-5-10-15, IC 7.1-5-10-23, and any other provision of this title that applies to the furnishing of alcoholic beverages for consumption off the premises.

Sec. 7. A charity auction to which this chapter applies may be conducted on premises that are not licensed under this title for the sale of alcoholic beverages.

SECTION 8. IC 7.1-3-8-3, AS AMENDED BY P.L.109-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 3. (a)** The holder of a liquor wholesaler's permit shall be entitled to sell liquor at wholesale.

(b) A liquor wholesaler shall be entitled to purchase liquor within this state from a person who holds an artisan distiller's permit, a distiller's permit, a rectifier's permit, or a liquor wholesaler's permit. A liquor wholesaler also may purchase liquor outside this state from the primary source of supply and, from that source, may transport and import liquor into this state.

(c) A liquor wholesaler may sell, transport, and deliver liquor only to a person who, under this title, holds a:

- (1) liquor retailer's permit;
- (2) supplemental caterer's permit;
- (3) liquor dealer's permit; or
- (4) liquor wholesaler's permit.

A liquor wholesaler may sell, donate, transport, and deliver liquor to a qualified organization for an allowable event to which IC 7.1-3-6.1 applies or charity auction to which IC 7.1-3-6.2 applies. The sale, transportation, donation to a qualified organization, and delivery of liquor shall be made only from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery, and only in permissible containers and is subject to the rules of the commission fixing the quantity which may be sold or delivered

at any one (1) time.

(d) A liquor wholesaler's bona fide regular employees may purchase liquor from the wholesaler in an amount not to exceed eighteen (18) liters.

SECTION 9. IC 7.1-3-9.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. **Scope of Permit.** The holder of a supplemental caterer's permit is entitled to purchase alcoholic beverages only from a permittee entitled to sell to him under this title. **Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2,** the holder of a supplemental caterer's permit is entitled to sell alcoholic beverages only for on premise consumption at those locations approved by the commission and at times lawful under his retailers' permits. **Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2,** the holder of a supplemental caterer's permit is not entitled to sell alcoholic beverages at wholesale, nor for carry-out or at-home delivery.

SECTION 10. IC 7.1-3-13-3, AS AMENDED BY P.L.165-2006, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The holder of a wine wholesaler's permit may purchase, import, and transport wine, brandy, or flavored malt beverage from the primary source of supply. A wine wholesaler may export and transport wine, brandy, or flavored malt beverage by the bottle, barrel, cask, or other container, to points outside Indiana. A wine wholesaler is entitled to sell, furnish, and deliver wine or flavored malt beverage from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery to a wine wholesaler, a wine retailer, a supplemental caterer, a temporary wine permittee, and a wine dealer, but not at retail. A wine wholesaler may sell, furnish, and deliver brandy from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery, but not at retail, only to a person who holds a liquor retailer's permit, a supplemental caterer's permit, or a liquor dealer's permit. A holder of a wine wholesaler's permit may sell wine to the wine wholesaler's bona fide regular employees. **A wine wholesaler may sell, donate, and deliver wine or flavored malt beverage from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery to a qualified organization that is conducting an allowable event to which IC 7.1-3-6.1 applies or a charity auction to which IC 7.1-3-6.2 applies.**

(b) As used in this section, "brandy" means:

- (1) any alcoholic distillate described in 27 CFR 5.22(d) as in effect on January 1, 1983; or
- (2) a beverage product that:
 - (A) is prepared from a liquid described in subdivision (1);
 - (B) is classified as a cordial or liqueur as defined in 27 CFR 5.22(h) as in effect on January 1, 1997; and
 - (C) meets the following requirements:
 - (i) At least sixty-six and two-thirds percent (66 2/3%) of the product's alcohol content is composed of a substance described in subdivision (1).
 - (ii) The product's label makes no reference to any distilled spirit other than brandy.
 - (iii) The product's alcohol content is not less than sixteen percent (16%) by volume or thirty-two (32) degrees proof.
 - (iv) The product contains dairy cream.
 - (v) The product's sugar, dextrose, or levulose content is at least twenty percent (20%) of the product's weight.
 - (vi) The product contains caramel coloring.

(c) Nothing in this section allows a wine wholesaler to sell, give, purchase, transport, or export beer (as defined in IC 7.1-1-3-6) unless the wine wholesaler also holds a beer wholesaler's permit under IC 7.1-3-3-1.

(d) A wine wholesaler that also holds a liquor wholesaler's

permit under IC 7.1-3-8 may not:

- (1) hold a beer wholesaler's permit under IC 7.1-3-3;
- (2) possess, sell, or transport beer; or
- (3) sell more than one million (1,000,000) gallons of flavored malt beverage during a calendar year.

SECTION 11. IC 7.1-3-16-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. **Scope of Permit.** The holder of a temporary wine permit shall be entitled to purchase and receive wine on any day of the year, only from a lawful supplier under this title at his place of business. A lawful supplier may sell and deliver wine to a temporary wine permit holder on any day of the year at his place of business. **Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2,** the holder of a temporary wine permit shall be entitled to sell wine only for consumption on the licensed premises, and shall be subject to the same restrictions as apply to the sale of beer by the holder of a temporary beer permit. **Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2,** a temporary wine permittee shall not be entitled to sell at ~~wholesale~~ **wholesale** nor for carry-out from the licensed premises.

SECTION 12. IC 7.1-5-7-11, AS AMENDED BY P.L.10-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) The provisions of sections 9 and 10 of this chapter shall not apply if the public place involved is one (1) of the following:

- (1) Civic center.
- (2) Convention center.
- (3) Sports arena.
- (4) Bowling center.
- (5) Bona fide club.
- (6) Drug store.
- (7) Grocery store.
- (8) Boat.
- (9) Dining car.
- (10) Pullman car.
- (11) Club car.
- (12) Passenger airplane.
- (13) Horse racetrack facility holding a recognized meeting permit under IC 4-31-5.
- (14) Satellite facility (as defined in IC 4-31-2-20.5).
- (15) Catering hall under IC 7.1-3-20-24 that is not open to the public.
- (16) That part of a hotel or restaurant which is separate from a room in which is located a bar over which alcoholic beverages are sold or dispensed by the drink.
- (17) Entertainment complex.
- (18) Indoor golf facility.
- (19) A recreational facility such as a golf course, bowling center, or similar facility that has the recreational activity and not the sale of food and beverages as the principal purpose or function of the person's business.
- (20) A licensed premises owned or operated by a postsecondary educational institution described in IC 21-17-6-1.
- (21) An automobile racetrack.
- (22) An indoor theater under IC 7.1-3-20-26.
- (23) The location of an allowable event to which IC 7.1-3-6.1 applies.**
- (24) The location of a charity auction to which IC 7.1-3-6.2 applies.**

(b) For the purpose of this subsection, "food" means meals prepared on the licensed premises. It is lawful for a minor to be on licensed premises in a room in which is located a bar over which alcoholic beverages are sold or dispensed by the drink if all the following conditions are met:

- (1) The minor is eighteen (18) years of age or older.
- (2) The minor is in the company of a parent, guardian, or family member who is twenty-one (21) years of age or older.
- (3) The purpose for being on the licensed premises is the

consumption of food and not the consumption of alcoholic beverages.

SECTION 13. IC 7.1-5-8-4, AS AMENDED BY P.L.159-2014, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) It is a Class B misdemeanor for a person who owns or operates a private or public restaurant or place of public or private entertainment to knowingly or intentionally permit another person to come into the establishment with an alcoholic beverage for sale or gift, or for consumption in the establishment by that person or another, or to serve a setup to a person who comes into the establishment. However, the provisions of this section do not apply to the following:

- (1) A private room hired by a guest of a bona fide club or hotel that holds a retail permit.
- (2) A facility that is used in connection with the operation of a paved track that is used primarily in the sport of auto racing.
- (3) An outdoor place of public entertainment that:
 - (A) has an area of at least four (4) acres and not more than six (6) acres;
 - (B) is located within one (1) mile of the White River;
 - (C) is owned and operated by a nonprofit corporation exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and
 - (D) is used primarily in connection with live music concerts.

(b) An establishment operated in violation of this section is declared to be a public nuisance and subject to abatement as other public nuisances are abated under the provisions of this title.

(c) This section does not apply to a person who owns or operates a private or public restaurant or place of public or private entertainment where a qualified organization is conducting:

- (1) an allowable event to which IC 7.1-3-6.1 applies, and the alcoholic beverage brought into the establishment is:**
 - (A) in sealed bottles or cases; and**
 - (B) donated to or purchased by the qualified organization to be offered as a prize in the allowable event; or**
- (2) a charity auction to which IC 7.1-3-6.2 applies, and the alcoholic beverage brought into the establishment is:**
 - (A) in sealed bottles or cases; and**
 - (B) donated to or purchased by the qualified organization to be offered for sale in the charity auction.**

SECTION 14. IC 7.1-5-8-6, AS AMENDED BY P.L.94-2008, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) It is a Class C misdemeanor for a person to knowingly carry liquor into a restaurant or place of public entertainment for the purpose of consuming it, displaying it, or selling, furnishing, or giving it away to another person on the premises, or for the purpose of having it served to himself or another person, then and there. It is a Class C misdemeanor to knowingly consume liquor brought into a public establishment in violation of this section.

(b) This section does not apply to a person at an outdoor place of public entertainment that:

- (1) has an area of at least four (4) acres and not more than six (6) acres;
- (2) is located within one (1) mile of the White River;
- (3) is owned and operated by a nonprofit corporation exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and
- (4) is used primarily in connection with live music concerts.

(c) This section does not apply to a person who carries

liquor into a restaurant or place of public entertainment where a qualified organization is conducting:

(1) an allowable event to which IC 7.1-3-6.1 applies, and the liquor brought into the establishment is:

- (A) in sealed bottles or cases; and**
- (B) donated to or purchased by the qualified organization to be offered as a prize in the allowable event; or**

(2) a charity auction to which IC 7.1-3-6.2 applies, and the liquor brought into the establishment is:

- (A) in sealed bottles or cases; and**
- (B) donated to or purchased by the qualified organization to be offered for sale in the charity auction.**

(Reference is to EHB 1435 as printed March 20, 2015.)

OLTHOFF	HEAD
C. BROWN	ARNOLD
House Conferees	Senate Conferees

Roll Call 529: yeas 88, nays 6. Report adopted.

Representative Forestal, who had been present, is now excused.

CONFERENCE COMMITTEE REPORT EHB 1531-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1531 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 2, line 29, after "conferencing;" insert "and".

Page 2, line 32, delete "and".

Delete line 33.

(Reference is to EHB 1531 as printed March 27, 2015.)

DAVISSON	STEELE
LAWSON	TAYLOR
House Conferees	Senate Conferees

Roll Call 530: yeas 93, nays 0. Report adopted.

Representative Forestal, who had been excused, is now present.

CONFERENCE COMMITTEE REPORT ESB 166-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 166 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-41-42.2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 0.5. As used in this chapter, "activity based therapy services" refers to specialized interventions that activate the neuromuscular system below the level of the lesion, involving intense, repetitive physical activity performed with the goal of retraining the nervous system to recover specific motor tasks.**

SECTION 2. IC 16-41-42.2-3, AS ADDED BY P.L.97-2008,

SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The spinal cord and brain injury fund is established to fund research on spinal cord and brain injuries.

(b) The fund shall be administered by the state department.

(c) The fund consists of:

- (1) appropriations;
- (2) gifts and bequests;
- (3) fees deposited in the fund by law; and
- (4) grants received from the federal government or private sources.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) The money in the fund is continually appropriated to the state department to fund ~~spinal cord and brain injury research programs~~. **the purposes specified in section 4 of this chapter.**

SECTION 3. IC 16-41-42.2-4, AS AMENDED BY P.L.141-2014, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. The fund is to be used for the following purposes:

(1) Establishing and maintaining a state medical surveillance registry for traumatic spinal cord and brain injuries.

(2) Fulfilling the duties of the board established by section 5 of this chapter.

(3) Funding research related to the treatment and cure of spinal cord and brain injuries, including acute management, medical complications, rehabilitative techniques, and neuronal recovery. Research must be conducted in compliance with all state and federal laws.

(4) Concerning spinal cord injuries, funding of at least ten percent (10%) and not more than fifteen percent (15%) of money in the fund for:

(A) post acute extended treatment and services for an individual with a spinal cord injury; or

(B) facilities that offer long term activity based therapy services at affordable rates to an individual with a spinal cord injury that requires extended post acute care.

(5) Concerning brain injuries, funding of at least ten percent (10%) and not more than fifteen percent (15%) of money in the fund for:

(A) post acute extended treatment and services for an individual with a brain injury; or

(B) facilities that offer long term activity based therapy services at affordable rates to an individual with a brain injury that requires extended post acute care.

~~(4)~~ **(6)** Develop a statewide trauma system. However, not more than fifty percent (50%) of money in the fund may be used for purposes of developing a statewide trauma system.

SECTION 4. IC 16-41-42.2-5, AS ADDED BY P.L.3-2008, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The spinal cord and brain injury research board is established for the purpose of administering the fund. The board is composed of ~~nine (9)~~ **eleven (11)** members.

(b) The following ~~four (4)~~ **six (6)** members of the board shall be appointed by the governor:

(1) One (1) member who has a spinal cord or head injury or who has a family member with a spinal cord or head injury.

(2) One (1) member who is a physician licensed under IC 25-22.5 who has specialty training in neuroscience and

surgery.

(3) One (1) member who is a physiatrist holding a board certification from the American Board of Physical Medicine and Rehabilitation.

(4) One (1) member representing the technical life sciences industry.

(5) One (1) member who is a physical therapist licensed under IC 25-27 who treats individuals with traumatic spinal cord injuries or brain injuries.

(6) One (1) member who owns or operates a facility that provides long term activity based therapy services at affordable rates to individuals with traumatic spinal cord injuries or brain injuries.

(c) Five (5) members of the board shall be appointed as follows:

(1) One (1) member representing Indiana University to be appointed by Indiana University.

(2) One (1) member representing Purdue University to be appointed by Purdue University.

(3) One (1) member representing the National Spinal Cord Injury Association to be appointed by the National Spinal Cord Injury Association.

(4) One (1) member representing the largest freestanding rehabilitation hospital for brain and spinal cord injuries in Indiana to be appointed by the Rehabilitation Hospital of Indiana located in Indianapolis.

(5) One (1) member representing the American Brain Injury Association to be appointed by the Brain Injury Association of Indiana.

(d) The term of a member is four (4) years. A member serves until a successor is appointed and qualified. If a vacancy occurs on the board before the end of a member's term, the appointing authority appointing the vacating member shall appoint an individual to serve the remainder of the vacating member's term.

(e) A majority of the members appointed to the board constitutes a quorum. The affirmative votes of a majority of the members are required for the board to take action on any measure.

(f) Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) The board shall annually elect a chairperson who shall be the presiding officer of the board. The board may establish other officers and procedures as the board determines necessary.

(h) The board shall meet at least two (2) times each year. The chairperson may call additional meetings.

(i) The state department shall provide staff for the board. The state department shall maintain a registry of the members of the board. An appointing authority shall provide written confirmation of an appointment to the board to the state department in the form and manner specified by the state department.

(j) The board shall do the following:

(1) Consider policy matters relating to spinal cord and brain injury research projects and programs under this chapter.

(2) Consider research applications and make grants for approved research projects under this chapter.

(3) Consider applications and make grants to health care clinics that:

(A) are exempt from federal income taxation under Section 501 of the Internal Revenue Code;

(B) employ physical therapists licensed under IC 25-27; and

(C) provide in Indiana long term activity based

therapy services at affordable rates to individuals with spinal cord injuries or brain injuries that require extended post acute care.

(4) Consider the application's efficacy in providing significant and sustained improvement to individuals with spinal cord injuries or brain injuries.

~~(3)~~ **(5)** Formulate policies and procedures concerning the operation of the board.

~~(4)~~ **(6)** Review and authorize spinal cord and brain injury research projects and programs to be financed under this chapter. For purposes of this subdivision, the board may establish an independent scientific advisory panel composed of scientists and clinicians who are not members of the board to review proposals submitted to the board and make recommendations to the board. Collaborations are encouraged with other Indiana-based researchers as well as researchers located outside Indiana, including researchers in other countries.

~~(5)~~ **(7)** Review and approve progress and final research reports on projects authorized under this chapter, **including any other information the board has required to be submitted as a condition of receiving a grant.**

~~(6)~~ **(8)** Review and make recommendations concerning the expenditure of money from the fund.

~~(7)~~ **(9)** Take other action necessary for the purpose stated in subsection (a).

~~(8)~~ **(10)** Provide to the governor, the general assembly, and the legislative council an annual report not later than January 30 of each year showing the status of funds appropriated under this chapter. The report to the general assembly and the legislative council must be in an electronic format under IC 5-14-6.

(k) A member of the board is exempt from civil liability arising or thought to arise from an action taken in good faith as a member of the board.

(l) The department shall annually present to the board a financial statement that includes the following information for the current and previous fiscal year:

(1) The amount of money deposited into the fund.

(2) The amount of money expended from the fund.

(3) The amount of money, including any reserves, available for grants from the fund.

(Reference is to ESB 166 as printed April 10, 2015.)

PAT MILLER

FRIZZELL

STOOPS

C. BROWN

Senate Conferees

House Conferees

Roll Call 531: yeas 94, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 168-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 168 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-48-7-11.1, AS AMENDED BY P.L.131-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11.1. (a) Information received by the INSPECT program under section 8.1 of this chapter is confidential.

(b) The board shall carry out a program to protect the confidentiality of the information described in subsection (a).

The board may disclose the information to another person only under subsection (c), (d), or (g).

(c) The board may disclose confidential information described in subsection (a) to any person who is authorized to engage in receiving, processing, or storing the information.

(d) Except as provided in subsections (e) and (f), the board may release confidential information described in subsection (a) to the following persons:

(1) A member of the board or another governing body that licenses practitioners and is engaged in an investigation, an adjudication, or a prosecution of a violation under any state or federal law that involves a controlled substance.

(2) An investigator for the consumer protection division of the office of the attorney general, a prosecuting attorney, the attorney general, a deputy attorney general, or an investigator from the office of the attorney general, who is engaged in:

(A) an investigation;

(B) an adjudication; or

(C) a prosecution;

of a violation under any state or federal law that involves a controlled substance.

(3) A law enforcement officer who is an employee of:

(A) a local, state, or federal law enforcement agency; or

(B) an entity that regulates controlled substances or enforces controlled substances rules or laws in another state;

that is certified to receive controlled substance prescription drug information from the INSPECT program.

(4) A practitioner or practitioner's agent certified to receive information from the INSPECT program.

(5) A controlled substance monitoring program in another state with which Indiana has established an interoperability agreement.

(6) The state toxicologist.

(7) A certified representative of the Medicaid retrospective and prospective drug utilization review program.

(8) A substance abuse assistance program for a licensed health care provider who:

(A) has prescriptive authority under IC 25; and

(B) is participating in the assistance program.

(9) An individual who holds a valid temporary medical permit issued under IC 25-22.5-5-4 or IC 25-22.5-5-4.6.

(e) Information provided to an individual under:

(1) subsection (d)(3) is limited to information:

(A) concerning an individual or proceeding involving the unlawful diversion or misuse of a schedule II, III, IV, or V controlled substance; and

(B) that will assist in an investigation or proceeding; and

(2) subsection (d)(4) may be released only for the purpose of:

(A) providing medical or pharmaceutical treatment; or

(B) evaluating the need for providing medical or pharmaceutical treatment to a patient.

(f) Before the board releases confidential information under subsection (d), the applicant must be approved by the INSPECT program in a manner prescribed by the board.

(g) The board may release to:

(1) a member of the board or another governing body that licenses practitioners;

(2) an investigator for the consumer protection division of the office of the attorney general, a prosecuting attorney, the attorney general, a deputy attorney general, or an investigator from the office of the attorney general; or

(3) a law enforcement officer who is:

(A) authorized by the state police department to receive

controlled substance prescription drug information; and
(B) approved by the board to receive the type of information released;

confidential information generated from computer records that identifies practitioners who are prescribing or dispensing large quantities of a controlled substance.

(h) The information described in subsection (g) may not be released until it has been reviewed by:

(1) a member of the board who is licensed in the same profession as the prescribing or dispensing practitioner identified by the data; or

(2) the board's designee;

and until that member or the designee has certified that further investigation is warranted. However, failure to comply with this subsection does not invalidate the use of any evidence that is otherwise admissible in a proceeding described in subsection (i).

(i) An investigator or a law enforcement officer receiving confidential information under subsection (c), (d), or (g) may disclose the information to a law enforcement officer or an attorney for the office of the attorney general for use as evidence in the following:

(1) A proceeding under IC 16-42-20.

(2) A proceeding under any state or federal law that involves a controlled substance.

(3) A criminal proceeding or a proceeding in juvenile court that involves a controlled substance.

(j) The board may compile statistical reports from the information described in subsection (a). The reports must not include information that identifies any practitioner, ultimate user, or other person administering a controlled substance. Statistical reports compiled under this subsection are public records.

(k) Except as provided in IC 25-22.5-13, this section may not be construed to require a practitioner to obtain information about a patient from the data base.

(l) A practitioner is immune from civil liability for an injury, death, or loss to a person solely due to a practitioner seeking or not seeking information from the INSPECT program. The civil immunity described in this subsection does not extend to a practitioner if the practitioner receives information directly from the INSPECT program and then negligently misuses this information. This subsection does not apply to an act or omission that is a result of gross negligence or intentional misconduct.

(m) The board may review the records of the INSPECT program. If the board determines that a violation of the law may have occurred, the board shall notify the appropriate law enforcement agency or the relevant government body responsible for the licensure, regulation, or discipline of practitioners authorized by law to prescribe controlled substances.

(n) A practitioner who in good faith discloses information based on a report from the INSPECT program to a law enforcement agency is immune from criminal or civil liability. A practitioner that discloses information to a law enforcement agency under this subsection is presumed to have acted in good faith.

(Reference is to ESB 168 as printed April 10, 2015.)

PAT MILLER

CLERE

ARNOLD

C. BROWN

Senate Conferees

House Conferees

Roll Call 532: yeas 94, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 249-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 249 respectfully reports that said two committees have conferred and agreed as

follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 15-11-5-4, AS ADDED BY P.L.2-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The livestock industry promotion and development fund is established as a dedicated fund to be administered by the department.

(b) Money in the fund must be spent by the department:

(1) exclusively for the purposes described in this chapter **and IC 15-11-14**, including administrative expenses; and

(2) throughout Indiana.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the fund is abolished, the money in the fund reverts to the state general fund.

(d) There is annually appropriated to the department the entire amount of money in the fund for the use of the department in carrying out the purposes of this chapter.

(e) The department may solicit grants and gifts from public or private sources for the fund.

SECTION 2. IC 15-11-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 14. Farm Commodities and Market News Service

Sec. 1. (a) Beginning July 1, 2017, the department may:

(1) implement and promote a program to supply to the agriculture industry marketing assistance that provides unbiased price and sales information to assist in the marketing and distribution of farm commodities; and

(2) implement and maintain a market news service for the purpose of disseminating information that will aid producers and consumers in the sale and purchase of agricultural products.

(b) Beginning July 1, 2015, the department may develop and implement a pilot program that incorporates the requirements in subsection (a). A pilot program established under this subsection must:

(1) be designed in a manner that will allow for the expansion of information that is provided in the future based on the needs of the agricultural industry; and

(2) focus on livestock and forage products.

A pilot program established under this subsection expires July 1, 2017.

Sec. 2. The department may negotiate and enter into cooperative agreements with the United States Department of Agriculture or any other appropriate federal agency to implement this chapter.

SECTION 3. IC 15-17-2-34, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 34. (a) "Garbage" means:

(1) any waste material derived in whole or in part from any animal, including fish and poultry; or

(2) refuse from the handling, preparation, cooking, or consumption of food that has been associated with waste material derived in whole or in part from any animal, including fish and poultry.

(b) The term does not include:

(1) bakery waste;

(2) candy waste;

(3) eggs;

(4) domestic dairy products; ~~or~~

(5) a processed product;

(6) a rendered product; or

(5) (7) waste from ordinary household operations that is fed directly to swine on the same premises where the household is located.

SECTION 4. IC 15-17-2-91.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 91.5. **"Processed product" means material derived in whole or in part from any animal, including fish and poultry, and other refuse that has been associated with any such material, that has undergone an industrial manufacturing procedure to prevent spoilage or add shelf stability that has been:**

- (1) **at a minimum, cooked to a temperature of one hundred sixty-seven (167) degrees Fahrenheit for at least thirty (30) minutes; or**
- (2) **subjected to another industrial process demonstrated to provide an equivalent level of inactivation of disease organisms, as approved by the board.**

SECTION 5. IC 15-17-2-95, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 95. "Rendered product" means waste material derived in whole or in part from any animal, including fish and poultry, and refuse from the handling, preparation, cooking, or consumption of food that has been:

- (1) ground and heated to a minimum temperature of two hundred thirty (230) degrees Fahrenheit to make products such as animal, poultry, or fish protein meal, grease, or tallow; or
- (2) **subject to other industrial processes demonstrated to provide an equivalent level of inactivation of disease organisms, as approved under rules adopted by the board.**

SECTION 6. IC 15-17-10-16, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. A person may not feed or permit the feeding of garbage to swine, ~~except for rendered products:~~ **unless:**

- (1) **the garbage is treated to kill disease organisms in accordance with rules adopted by the board; and**
- (2) **the processing occurs at a facility operated by a person holding a valid license issued by the board, for the treatment of garbage.**

SECTION 7. IC 16-42-5-29, AS AMENDED BY P.L.154-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 29. (a) This section applies to an individual vendor of a farmer's market or roadside stand.

(b) As used in this section, "end consumer" means a person who is the last person to purchase any food product and who does not resell the food product.

(c) An individual vendor of a farmer's market or roadside stand is not considered to be a food establishment and is exempt from the requirements of this title that apply to food establishments if the individual vendor's food product:

- (1) is made, grown, or raised by an individual at the individual's primary residence, property owned by the individual, or property leased by the individual;
- (2) is not a potentially hazardous food product;
- (3) is prepared by an individual who practices proper sanitary procedures, including:
 - (A) proper hand washing;
 - (B) sanitation of the container or other packaging in which the food product is contained; and
 - (C) safe storage of the food product;

~~(4) consists of eggs meeting the requirements of IC 16-42-11;~~

~~(5) (4) is not resold; and~~

~~(6) (5) includes a label that contains the following information:~~

- (A) The name and address of the producer of the food

product.

(B) The common or usual name of the food product.

(C) The ingredients of the food product, in descending order by predominance by weight.

(D) The net weight and volume of the food product by standard measure or numerical count.

(E) The date on which the food product was processed.

(F) The following statement in at least 10 point type: "This product is home produced and processed and the production area has not been inspected by the state department of health."

(d) An individual vendor who meets the requirements in subsection (c) is subject to food sampling and inspection if:

(1) the state department determines that the individual vendor's food product is:

(A) misbranded under IC 16-42-2-3; or

(B) adulterated; or

(2) a consumer complaint has been received by the state department.

(e) If the state department has reason to believe that an imminent health hazard exists with respect to an individual vendor's food product, the state department may order cessation of production and sale of the food product until the state department determines that the hazardous situation has been addressed.

(f) For purposes of this section, the state health commissioner or the commissioner's authorized representatives may take samples for analysis and conduct examinations and investigations through any officers or employees under the state health commissioner's supervision. Those officers and employees may enter, at reasonable times, the facilities of an individual vendor and inspect any food products in those places and all pertinent equipment, materials, containers, and labeling.

(g) The state health commissioner may develop guidelines for an individual vendor who seeks an exemption from regulation as a food establishment as described in subsection (c). The guidelines may include:

- (1) standards for best safe food handling practices;
- (2) disease control measures; and
- (3) standards for potable water sources.

(h) The department shall adopt rules that:

(1) exclude slaughtering and processing of poultry on a farm for the purpose of conducting limited sales under 9 CFR 381.10, as adopted by reference in 345 IAC 10-2.1-1, from the definition of food establishment if the slaughtered and processed poultry or poultry product is sold only **to the end consumer on a the farm where the poultry is produced,** at a farmer's market, ~~through delivery,~~ or at a roadside stand;

(2) require that poultry processed under this section that is sold on a farm be refrigerated at the point of sale and labeled in compliance with the requirements of 9 CFR 381.10;

(3) allow rabbits to be slaughtered and processed on a farm for the purpose of conducting limited sales on the farm, at a farmer's market, and at a roadside stand;

(4) require that rabbits processed under this section be frozen at the point of sale; and

(5) require that poultry processed under this section that is sold at a farmer's market ~~through delivery,~~ or at a roadside stand be frozen at the point of sale and labeled in compliance with the requirements of 9 CFR 381.10.

An individual vendor of a farmer's market or roadside stand operating under the exclusion provided in this subsection must slaughter and process poultry in compliance with the Indiana state board of animal health requirements for producers operating under 9 CFR 381.10. Poultry processed under the exclusion provided in this subsection must be used, sold, or frozen within seventy-two (72) hours of processing.

(i) An individual vendor of a farmer's market or roadside

stand that sells eggs that meet the requirements under IC 16-42-11 is not considered to be a food establishment and is exempt from the requirements of this title that apply to a food establishment relating to the sale of eggs.

(†) (j) Notwithstanding any other law, a local unit of government (as defined in IC 14-22-31.5-1) may not by ordinance or resolution require any licensure, certification, or inspection of foods or food products of an individual vendor who meets the requirements in subsection (c), including an individual vendor who delivers the individual's food or food product directly to an end consumer.

SECTION 8. IC 36-1-3-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) As used in this section, "livestock" has the meaning set forth in IC 15-11-5-1.

(b) The Purdue Cooperative Extension Service and the Purdue University College of Agriculture shall study the impact of local land use ordinances on the construction of buildings or other structures used in the breeding, feeding, and housing of livestock. The study must include the following:

- (1) A listing of the counties, cities, and towns that have considered imposing land use limitations on the construction of buildings or other structures used in the breeding, feeding, and housing of livestock.
- (2) A summary of any land use ordinances adopted by counties, cities, and towns since 2010 that have restricted the construction of buildings or other structures used in the breeding, feeding, and housing of livestock in the adopting counties, cities, and towns.
- (3) A discussion of the particular restrictive aspects of the ordinances summarized under subdivision (2), including set back requirements, moratoriums, and limitations on the size of a building or lot subject to the ordinance.
- (4) A discussion of any other land use restrictions that have affected the development of buildings or other structures used in the breeding, feeding, and housing of livestock in Indiana.
- (5) If applicable, a discussion of any projects that have been developed in other states because of a land use restriction that prevented developing the project in a preferred Indiana location.
- (6) A summary of the importance of livestock agriculture to each county and the estimated economic impact of livestock agriculture on the Indiana economy.

(c) Before November 1, 2015, the Purdue Cooperative Extension Service and the Purdue University College of Agriculture shall report the results of the study required by subsection (b) to the budget committee, to the Indiana land resources council (IC 15-12-5), and to the legislative council in an electronic format under IC 5-14-6.

(d) This section expires July 1, 2016.

(Reference is to ESB 249 as printed March 17, 2015.)

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MRVAN	WRIGHT
Senate Conferees	House Conferees

Roll Call 533: yeas 91, nays 3. Report adopted.

CONFERENCE COMMITTEE REPORT ESB 298-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 298 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House

amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 10-17-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 15. Voluntary Veterans' Preference Employment Policy

Sec. 1. As used in this chapter, "DD 214" means a Department of Defense Report of Separation form or its predecessor or successor form.

Sec. 2. As used in this chapter, "private employer" means a sole proprietor, corporation, partnership, limited liability company, or other entity with one (1) or more employees. The term does not include:

- (1) the state;
- (2) a political subdivision (as defined in IC 36-1-2-13); or
- (3) a state educational institution (as defined in IC 21-7-13-32).

Sec. 3. As used in this chapter, "veteran" means an individual who:

- (1) has served in:
 - (A) the United States armed forces or their reserves;
 - (B) the Indiana Army National Guard; or
 - (C) the Indiana Air National Guard; and
- (2) was released from active duty under conditions other than dishonorable.

Sec. 4. As used in this chapter, "veterans' preference employment policy" means a private employer's voluntary veterans' preference employment policy that gives preference for hiring, promoting, or retaining a veteran over another qualified applicant or employee.

Sec. 5. Except as provided in section 10 of this chapter, a private employer may have a veterans' preference employment policy.

Sec. 6. A veterans' preference employment policy under this chapter must be in writing and applied uniformly to employment decisions regarding hiring, promotion, or retention during a reduction in force.

Sec. 7. A private employer with a veterans' preference employment policy may require that a veteran submit a DD 214 to the private employer to be eligible for the preference.

Sec. 8. Granting preference under this chapter does not violate any local or state equal employment opportunity laws.

Sec. 9. The Indiana department of veterans' affairs shall assist a private employer in determining if an applicant is a veteran in a manner that protects personal privacy consistent with applicable privacy laws and regulations.

Sec. 10. Any policy adopted under section 5 of this chapter may not:

- (1) apply to or abrogate a collectively bargained agreement in effect before the adoption of the policy; and
- (2) interfere with an employer's obligations under the federal National Labor Relations Act (29 U.S.C. 151 et seq.) or the federal Uniformed Services Employment and Reemployment Act (38 U.S.C. 4301 et seq.).

(Reference is to ESB 298 as printed March 10, 2015.)

BANKS	JUDY
ARNOLD	MACER
Senate Conferees	House Conferees

Roll Call 534: yeas 95, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT ESB 508-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 508 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 25-38.1-1-12, AS ADDED BY P.L.58-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) "Practice of veterinary medicine" means:

(1) representing oneself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry or any of their branches or specialties;

(2) using words, letters, or titles in a connection or under circumstances that may induce another person to believe that the person using them is engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry;

(3) accepting compensation for doing any of the things described in subdivisions (4) through (8);

(4) providing the diagnosis, treatment, correction, or prevention of any disease, defect, injury, deformity, pain, or condition of animals;

(5) prescribing, dispensing, or ordering the administration of a drug, a medicine, a biologic, a medical appliance, an application, or treatment of whatever nature for the prevention, cure, or relief of any disease, ailment, defect, injury, deformity, pain, or other condition of animals;

(6) performing a:

(A) surgical or dental operation; or

(B) complimentary or alternative therapy;

upon an animal;

(7) certifying the health, fitness, or soundness of an animal; or

(8) performing any procedure for the diagnosis of pregnancy, sterility, or infertility upon animals.

(b) ~~However~~; The term does not include:

(1) administering a drug, medicine, appliance, application, or treatment that is administered at the direction and under the direct supervision of a veterinarian licensed under this article; or

(2) equine massage therapy.

(c) As used in this section, "equine massage therapy" means a method of treating the body of a horse for remedial or hygienic purposes through techniques that:

(1) include rubbing, stroking, or kneading the body of the horse; and

(2) may be applied with or without the aid of a massage device that mimics the actions possible using human hands.

Equine massage therapy does not include prescribing a drug, performing surgery, chiropractic, or acupuncture, or diagnosing a medical condition.

SECTION 2. IC 25-38.1-4-5, AS ADDED BY P.L.58-2008, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A licensed veterinarian may write prescriptions. Pharmacists shall give the prescriptions written by a licensed veterinarian the same recognition given the prescriptions of persons holding an unlimited license to practice medicine or osteopathic medicine.

(b) A valid veterinarian-client-patient relationship must exist before a licensed veterinarian dispenses or prescribes a prescription product.

(c) Veterinary prescription products, including drugs and immunizing products restricted by state and federal law for use by licensed veterinarians, may not be diverted or transferred to an individual for use on an animal if there is not a current veterinarian-client-patient relationship with the original prescribing veterinarian.

(d) If a veterinarian prescribes a drug for the client's animal, upon request, the veterinarian shall provide the prescription to the client, unless prohibited by state or federal law or to prevent inappropriate use.

(e) **This subsection does not apply to:**

(1) **livestock (as defined by IC 15-11-5-1); or**

(2) **an animal immunized by its owner.**

An individual may not immunize an animal for a fee unless the individual is a veterinarian.

(Reference is to ESB 508 as printed March 27, 2015.)

STEELE LEHE

RANDOLPH WRIGHT

Senate Conferees House Conferees

Roll Call 535: yeas 94, nays 0. Report adopted.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

HB 1635 Conferees: Behning and V. Smith
Advisors: Nisly, Mayfield, Austin,
Errington, Moed

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

SB 174 Conferees: Frizzell and Pierce
Advisors: Steuerwald, Lawson

SB 528 Conferees: Lehman and Pierce
Advisors: T. Brown, McMillin, Bartlett

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

HB 1542 Advisors: Moseley

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 5:10 p.m. with the Speaker in the Chair.

Representatives T. Brown, Burton and Richardson, who had been present, are now excused.

Representatives DeVon, Harman, Truitt and VanNatter, who had been excused, are now present.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following

conference committee reports are eligible for consideration after April 15, 2015; we further recommend that House Rule 163.1 be amended so that the following conference committee reports may be laid over on the members' desks for 2.5 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bill 1044-01.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 15, 2015, and that House Rule 163.1 be amended so that the following conference committee reports may be laid over on the members' desks for xx hours, so that they may be eligible to be placed before the House for action: Engrossed House Bill 1044-01.

TORR, Chair

Motion prevailed.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Lehman.

CONFERENCE COMMITTEE REPORT EHB 1044-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1044 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-9-45 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 45. Rockville Food and Beverage Tax

Sec. 1. This chapter applies to the town of Rockville.

Sec. 2. The definitions in IC 6-9-12-1 apply throughout this chapter.

Sec. 3. (a) The fiscal body of the town may adopt an ordinance to impose an excise tax, known as the town food and beverage tax, on transactions described in section 4 of this chapter. The fiscal body of the town may adopt an ordinance under this subsection only after the fiscal body has previously held at least one (1) separate public hearing in which a discussion of the proposed ordinance to impose the town food and beverage tax is the only substantive issue on the agenda for the public hearing.

(b) If the town fiscal body adopts an ordinance under subsection (a), the town fiscal body shall immediately send a certified copy of the ordinance to the department of state revenue.

(c) If the town fiscal body adopts an ordinance under subsection (a), the town food and beverage tax applies to transactions that occur after the later of the following:

- (1) The day specified in the ordinance.**
- (2) The last day of the month that succeeds the month in which the ordinance is adopted.**

Sec. 4. (a) Except as provided in subsection (c), a tax imposed under section 3 of this chapter applies to a transaction in which food or beverage is furnished, prepared, or served:

- (1) for consumption at a location or on equipment provided by a retail merchant;**

(2) in the town; and

(3) by a retail merchant for consideration.

(b) Transactions described in subsection (a)(1) include transactions in which food or beverage is:

(1) served by a retail merchant off the merchant's premises;

(2) food sold in a heated state or heated by a retail merchant;

(3) made of two (2) or more food ingredients, mixed or combined by a retail merchant for sale as a single item (other than food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal Food and Drug Administration in chapter 3, subpart 3-401.11 of its Food Code so as to prevent food borne illnesses); or

(4) food sold with eating utensils provided by a retail merchant, including plates, knives, forks, spoons, glasses, cups, napkins, or straws (for purposes of this subdivision, a plate does not include a container or package used to transport the food).

(c) The town food and beverage tax does not apply to the furnishing, preparing, or serving of a food or beverage in a transaction that is exempt, or to the extent the transaction is exempt, from the state gross retail tax imposed by IC 6-2.5.

Sec. 5. The town food and beverage tax rate:

(1) must be imposed in an increment of twenty-five hundredths percent (0.25%); and

(2) may not exceed one percent (1%);

of the gross retail income received by the merchant from the food or beverage transaction described in section 4 of this chapter. For purposes of this chapter, the gross retail income received by the retail merchant from a transaction does not include the amount of tax imposed on the transaction under IC 6-2.5.

Sec. 6. A tax imposed under this chapter shall be imposed, paid, and collected in the same manner that the state gross retail tax is imposed, paid, and collected under IC 6-2.5. However, the return to be filed with the payment of the tax imposed under this chapter may be made on a separate return or may be combined with the return filed for the payment of the state gross retail tax, as prescribed by the department of state revenue.

Sec. 7. The amounts received from the tax imposed under this chapter shall be paid monthly by the treasurer of state to the town fiscal officer upon warrants issued by the auditor of state.

Sec. 8. (a) If a tax is imposed under section 3 of this chapter by a town, the town fiscal officer shall establish a food and beverage tax receipts fund.

(b) The town fiscal officer shall deposit in the fund all amounts received under this chapter.

(c) Money earned from the investment of money in the fund becomes a part of the fund.

Sec. 9. Money in the food and beverage tax receipts fund must be used by the town only for the following purposes:

(1) To reduce the town's property tax levy for a particular year at the discretion of the town, but this use does not reduce the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for the town.

(2) For economic development purposes, including the pledge of money under IC 5-1-14-4 for bonds, leases, or other obligations for economic development purposes.

(3) For the following purposes:

- (A) Storm water, sidewalk, street, park, and parking improvements necessary to support tourism in the town.**

(B) Public safety.

(C) The pledge of money under IC 5-1-14-4 for bonds, leases, or other obligations incurred for a purpose described in clauses (A) through (B).

Revenue derived from the imposition of a tax under this chapter may be treated by the town as additional revenue for the purpose of fixing its budget for the budget year during which the revenues are to be distributed to the town.

Sec. 10. With respect to obligations for which a pledge has been made under section 9 of this chapter, the general assembly covenants with the holders of the obligations that this chapter will not be repealed or amended in a manner that will adversely affect the imposition or collection of the tax imposed under this chapter if the payment of any of the obligations is outstanding.

SECTION 2. IC 6-9-47.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 47.5. Orange County Food and Beverage Tax

Sec. 1. This chapter applies to Orange County.

Sec. 2. The definitions in IC 6-9-12-1 apply throughout this chapter.

Sec. 3. (a) The fiscal body of the county may adopt an ordinance to impose an excise tax, known as the county food and beverage tax, on transactions described in section 4 of this chapter. The fiscal body of the county may adopt an ordinance under this subsection only after the fiscal body has previously held at least one (1) separate public hearing in which a discussion of the proposed ordinance to impose the county food and beverage tax is the only substantive issue on the agenda for the public hearing.

(b) If the county fiscal body adopts an ordinance under subsection (a), the county fiscal body shall immediately send a certified copy of the ordinance to the department of state revenue.

(c) If the county fiscal body adopts an ordinance under subsection (a), the county food and beverage tax applies to transactions that occur after the later of the following:

- (1) The day specified in the ordinance.
- (2) The last day of the month that succeeds the month in which the ordinance is adopted.

Sec. 4. (a) Except as provided in subsection (c), a tax imposed under section 3 of this chapter applies to a transaction in which food or beverage is furnished, prepared, or served:

- (1) for consumption at a location or on equipment provided by a retail merchant;
- (2) in the county; and
- (3) by a retail merchant for consideration.

(b) Transactions described in subsection (a)(1) include transactions in which food or beverage is:

- (1) served by a retail merchant off the merchant's premises;
- (2) food sold in a heated state or heated by a retail merchant;
- (3) made of two (2) or more food ingredients, mixed or combined by a retail merchant for sale as a single item (other than food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal Food and Drug Administration in chapter 3, subpart 3-401.11 of its Food Code so as to prevent food borne illnesses); or
- (4) food sold with eating utensils provided by a retail merchant, including plates, knives, forks, spoons, glasses, cups, napkins, or straws (for purposes of this subdivision, a plate does not include a container or package used to transport the food).

(c) The county food and beverage tax does not apply to the furnishing, preparing, or serving of a food or beverage

in the following transactions:

(1) A transaction that is exempt, or to the extent the transaction is exempt, from the state gross retail tax imposed by IC 6-2.5.

(2) A transaction that occurs at a historic hotel (as defined in IC 4-33-2-11.1), the riverboat operated under IC 4-33-6.5, and other properties operated in conjunction with the historic hotel enterprise located in Orange County, including golf courses.

Sec. 5. The county food and beverage tax rate:

- (1) must be imposed in an increment of twenty-five hundredths percent (0.25%); and
- (2) may not exceed one percent (1%);

of the gross retail income received by the merchant from the food or beverage transaction described in section 4 of this chapter. For purposes of this chapter, the gross retail income received by the retail merchant from a transaction does not include the amount of tax imposed on the transaction under IC 6-2.5.

Sec. 6. A tax imposed under this chapter shall be imposed, paid, and collected in the same manner that the state gross retail tax is imposed, paid, and collected under IC 6-2.5. However, the return to be filed with the payment of the tax imposed under this chapter may be made on a separate return or may be combined with the return filed for the payment of the state gross retail tax, as prescribed by the department of state revenue.

Sec. 7. The amounts received from the tax imposed under this chapter shall be paid monthly by the treasurer of state to the county fiscal officer upon warrants issued by the auditor of state.

Sec. 8. (a) If a tax is imposed under section 3 of this chapter by the county, the county fiscal officer shall establish a food and beverage tax receipts fund.

(b) The county fiscal officer shall deposit in the fund all amounts received under this chapter.

(c) Money earned from the investment of money in the fund becomes a part of the fund.

Sec. 9. Money in the food and beverage tax receipts fund must be used by the county only for the following purposes:

(1) For economic development purposes, including the pledge of money under IC 5-1-14-4 for bonds, leases, or other obligations for economic development purposes.

(2) For the following purposes:

(A) Storm water, sidewalk, street, park, and parking improvements necessary to support tourism in the county.

(B) Public safety.

(C) The pledge of money under IC 5-1-14-4 for bonds, leases, or other obligations incurred for a purpose described in clauses (A) through (B).

Revenue derived from the imposition of a tax under this chapter may be treated by the county as additional revenue for the purpose of fixing its budget for the budget year during which the revenues are to be distributed to the county.

Sec. 10. With respect to obligations for which a pledge has been made under section 9 of this chapter, the general assembly covenants with the holders of the obligations that this chapter will not be repealed or amended in a manner that will adversely affect the imposition or collection of the tax imposed under this chapter if the payment of any of the obligations is outstanding.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "study committee" means either of the following:

(1) A statutory committee established under IC 2-5.

(2) An interim study committee established under IC 2-5-1.3-14.

(b) The legislative council is urged to assign to the

appropriate study committee the topic of whether a uniform food and beverage tax should be enacted into law to allow local governments to adopt such a tax.

(c) If the topic described in subsection (b) is assigned to a study committee, the study committee shall issue a final report to the legislative council on the topic in an electronic format under IC 5-14-6 not later than November 1, 2015.

(d) This SECTION expires January 1, 2016.

SECTION 4. An emergency is declared for this act.

(Reference is to EHB 1044 as reprinted April 8, 2015.)

MORRISON

BOOTS

DeLANEY

BRODEN

House Conferees

Senate Conferees

Roll Call 536: yeas 51, nays 44. Report adopted.

Representatives T. Brown and Richardson, who had been excused, are now present.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1002.

BOSMA

Roll Call 537: yeas 98, nays 0. Motion prevailed.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 6:20 p.m. with the Deputy Pro Speaker in the Chair.

Upon request of Representative Wesco, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 538: 69 present. The Speaker declared a quorum present.

Representative Huston, who had been present, is now excused.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after April 15, 2015; we further recommend that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 1 hour, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1047-1, 1438-1, 1469-1 and Engrossed Senate Bills 307-1, 370-1 and 426-1.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after April 15, 2015, we further recommend that House Rule 163.1 be

amended so that the following conference committee reports may be laid over on the members' desks for 1 hour, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1047-1, 1438-1, 1469-1 and Engrossed Senate Bills 307-1, 370-1 and 426-1.

TORR, Chair

Motion prevailed.

Representatives T. Brown, Culver and McMillin, who had been present, are now excused.

CONFERENCE COMMITTEE REPORT

EHB 1047-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1047 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-6-5-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: **Sec. 5.7. (a) There is imposed an annual excise tax on mini-trucks (as defined in IC 9-13-2-103.1). The tax shall be paid at the same time the mini-truck is registered.**

(b) Except for the amount of tax imposed, a mini-truck is to be treated the same as a vehicle for purposes of this chapter.

(c) The amount of tax owed for a mini-truck under subsection (a) for a year is thirty dollars (\$30). The tax is due at the same time the owner is or would be required to pay the motor vehicle excise tax under this chapter.

SECTION 2. IC 9-13-2-42, AS AMENDED BY HEA 1396-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: **Sec. 42. (a) "Dealer" means, except as otherwise provided in this section, a person who sells to the general public, including a person who sells directly by the Internet or other computer network, at least twelve (12) vehicles each year. The term includes a person who sells off-road vehicles, and, after December 31, 2013, a person who sells snowmobiles, or mini-trucks. A dealer must have an established place of business that meets the minimum standards prescribed by the secretary of state under rules adopted under IC 4-22-2.**

(b) The term does not include the following:

(1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.

(2) A public officer while performing official duties.

(3) An automotive mobility dealer.

(c) "Dealer", for purposes of IC 9-31, means a person that sells to the general public at least six (6):

(1) boats; or

(2) trailers:

(A) designed and used exclusively for the transportation of watercraft; and

(B) sold in general association with the sale of watercraft;

per year.

(d) "Dealer", for purposes of IC 9-32, and unless otherwise provided, means:

(1) an automobile auctioneer;

(2) an automotive mobility dealer;

(3) a converter manufacturer;

(4) a dealer;

(5) a distributor;

- (6) a manufacturer;
- (7) a salvage dealer;
- (8) a transfer dealer;
- (9) a watercraft dealer; or
- (10) before July 1, 2015, a wholesale dealer.

SECTION 3. IC 9-13-2-103.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: **Sec. 103.1.**

"Mini-truck" means a truck that:

- (1) is powered by an internal combustion engine with a piston or rotary displacement of not less than six hundred sixty (660) cubic centimeters;**
- (2) is sixty (60) inches or less in width;**
- (3) has an unladen dry weight of one thousand six hundred (1,600) pounds or less;**
- (4) can achieve a top speed of not more than sixty (60) miles per hour;**
- (5) is manufactured with a locking enclosed cab and a heated interior; and**
- (6) is operated on a highway.**

SECTION 4. IC 9-13-2-124 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 124.** (a) "Person" means, except as otherwise provided in this section, an individual, a firm, a partnership, an association, a fiduciary, an executor or administrator, a governmental entity, a limited liability company, or a corporation.

(b) "Person", for purposes of IC 9-14-3.5, does not include the state or an agency of the state.

(c) "Person", for purposes of IC 9-17:

- (1) has the meaning set forth in subsection (a); and**
- (2) includes a sole proprietorship.**

~~(d)~~ **(d)** "Person", for purposes of IC 9-20-14, IC 9-20-15, and IC 9-20-18-13(b), means a mobile home or sectionalized building transport company, mobile home or sectionalized building manufacturer, mobile home or sectionalized building dealer, or mobile home or sectionalized building owner.

~~(e)~~ **(e)** "Person", for purposes of ~~IC 9-23~~, **IC 9-32**, means an individual, a corporation, a limited liability company, an association, a partnership, a trust, or other entity. The term does not include the state, an agency of the state, or a municipal corporation.

SECTION 5. IC 9-13-2-124, AS AMENDED BY HEA 1396-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 124.** (a) "Person" means, except as otherwise provided in this section, an individual, a firm, a partnership, an association, a fiduciary, an executor or administrator, a governmental entity, a limited liability company, or a corporation.

(b) "Person", for purposes of IC 9-14-3.5, does not include the state or an agency of the state.

(c) "Person", for purposes of IC 9-17:

- (1) has the meaning set forth in subsection (a); and**
- (2) includes a sole proprietorship.**

~~(d)~~ **(d)** "Person", for purposes of IC 9-20-14, IC 9-20-15, and IC 9-20-18-13(b), means a mobile home or sectionalized building transport company, mobile home or sectionalized building manufacturer, mobile home or sectionalized building dealer, or mobile home or sectionalized building owner.

~~(e)~~ **(e)** "Person", for purposes of IC 9-32, means an individual, a corporation, a limited liability company, an association, a partnership, a trust, or other entity. The term does not include the state, an agency of the state, or a municipal corporation.

SECTION 6. IC 9-17-1-1, AS AMENDED BY HEA 1393-2015, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: **Sec. 1.** (a) This article does not apply to the following:

- (1) Special machinery.
- (2) Farm wagons.
- (3) A golf cart when operated in accordance with an

ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a).

(4) A motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer.

(5) Snowmobiles.

(6) Motor driven cycles.

(7) Except as otherwise provided, any other vehicle that is not registered in accordance with IC 9-18-2.

(b) Notwithstanding subsection (a), a person may apply for:

- (1) a certificate of title under IC 9-17-2-2; or
- (2) a special identification number IC 9-17-4;

for a vehicle listed in subsection (a). An application under this subsection must be accompanied by the applicable fee under IC 9-29.

(c) IC 9-17-2, IC 9-17-3, IC 9-17-4, and IC 9-17-5 apply to a mini-truck.

SECTION 7. IC 9-17-1-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. For purposes of this article, "person" has the meaning set forth in IC 9-13-2-124(c).**

SECTION 8. IC 9-18-1-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: **Sec. 2. This article applies to a mini-truck with the exception of the following:**

- (1) IC 9-18-7.**
- (2) IC 9-18-9 through IC 9-18-11.**
- (3) IC 9-18-13 through IC 9-18-14.**
- (4) IC 9-18-27 through IC 9-18-28.**
- (5) IC 9-18-32.**

SECTION 9. IC 9-18-12.5-7, AS ADDED BY SEA 506-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7.** (a) An operator may apply to the bureau to participate in the program.

(b) An application must be in the form and manner prescribed by the bureau and must contain the following information:

- (1) The name and business address of the operator.
- (2) The preferred expiration month requested by the operator.
- ~~(3) Certificates of title and registration for all fleet vehicles in the exact name of the operator.~~
- ~~(4)~~ **(3)** All counties in which the fleet vehicles are registered.
- ~~(5)~~ **(4)** Any other information required by the bureau.

The bureau may designate an expiration month that differs from the preferred expiration month requested by the operator under subdivision (2).

(c) The bureau shall approve an application if the bureau is satisfied that the application is complete and accurate. Upon approval of the application, the bureau shall assign the fleet operator a fleet number.

(d) If an application does not contain a preferred expiration month, the bureau may:

- (1) deny the application; or
- (2) designate an expiration month and approve the application.

(e) An operator may not register a vehicle as a fleet vehicle in a county that is not designated in the application.

SECTION 10. IC 9-21-8-46, AS AMENDED BY P.L.210-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: **Sec. 46.** A person may not drive or operate:

- (1) an implement of agriculture designed to be operated primarily in a farm field or on farm premises; ~~or~~
- (2) a piece of special machinery; **or**
- (3) a mini-truck;**

upon any part of an interstate highway.

SECTION 11. **An emergency is declared for this act.**

(Reference is to EHB 1047 as reprinted April 15, 2015.)

WOLKINS	YODER
FORESTAL	ARNOLD
House Conferees	Senate Conferees

Roll Call 539: yeas 88, nays 5. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1438-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1438 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-24-3-18.5, AS ADDED BY P.L.47-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.5. (a) Notwithstanding IC 20-24-1-2.5 and except as provided in subsection (b), an adult high school as defined in IC 20-24-1-2.3 may only be authorized by the charter board **or the executive of a consolidated city.**

(b) This section does not prohibit ~~the mayor of Indianapolis~~ **an authorizer** from renewing a charter of an adult high school that was initially authorized by ~~the mayor of Indianapolis~~ **the authorizer** prior to July 1, 2014.

(c) An authorizer may not authorize an adult high school under this section unless the general assembly makes an appropriation for the adult high school under IC 20-24-7-13.5."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1438 as reprinted March 24, 2015.)

DEVON	KRUSE
MOED	STOOPS
House Conferees	Senate Conferees

Roll Call 540: yeas 93, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1469-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1469 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 22-2-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. Every such person, firm, corporation, limited liability company, or association who shall fail to make payment of wages to any such employee as provided in section 1 of this chapter shall ~~as liquidated damages for such failure, pay be liable to such the employee for each day that the amount due to him remains unpaid ten percent (10%) of the amount due to him in addition thereto, not exceeding double the amount of unpaid wages, due, and said damages the amount~~ may be recovered in any court having jurisdiction of a suit to recover the amount due to ~~such the employee. and The court shall order as costs in the case a reasonable fee for the plaintiff's attorney and court costs. In addition, if the court in any such suit so brought to recover~~

~~said wages or the determines that the person, firm, corporation, limited liability company, or association that failed to pay the employee as provided in section 1 of this chapter was not acting in good faith, the court shall order, as liquidated damages for nonpayment thereof, or both, the court shall tax and assess as costs in said case a reasonable fee for the plaintiff's attorney or attorneys. the failure to pay wages, that the employee be paid an amount equal to two (2) times the amount of wages due the employee.~~

SECTION 2. IC 22-2-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) Any assignment of the wages of an employee is valid only if all of the following conditions are satisfied:

(1) The assignment is:

(A) in writing;

(B) signed by the employee personally;

(C) by its terms revocable at any time by the employee upon written notice to the employer; and

(D) agreed to in writing by the employer.

(2) An executed copy of the assignment is delivered to the employer within ten (10) days after its execution.

(3) The assignment is made for a purpose described in subsection (b).

(b) A wage assignment under this section may be made for the purpose of paying any of the following:

(1) Premium on a policy of insurance obtained for the employee by the employer.

(2) Pledge or contribution of the employee to a charitable or nonprofit organization.

(3) Purchase price of bonds or securities, issued or guaranteed by the United States.

(4) Purchase price of shares of stock, or fractional interests therein, of the employing company, or of a company owning the majority of the issued and outstanding stock of the employing company, whether purchased from such company, in the open market or otherwise. However, if such shares are to be purchased on installments pursuant to a written purchase agreement, the employee has the right under the purchase agreement at any time before completing purchase of such shares to cancel said agreement and to have repaid promptly the amount of all installment payments which theretofore have been made.

(5) Dues to become owing by the employee to a labor organization of which the employee is a member.

(6) Purchase price of merchandise, ~~sold goods, or food offered by the employer and sold to the employee, for the employee's benefit, use, or consumption,~~ at the written request of the employee.

(7) Amount of a loan made to the employee by the employer and evidenced by a written instrument executed by the employee subject to the amount limits set forth in section 4(c) of this chapter.

(8) Contributions, assessments, or dues of the employee to a hospital service or a surgical or medical expense plan or to an employees' association, trust, or plan existing for the purpose of paying pensions or other benefits to said employee or to others designated by the employee.

(9) Payment to any credit union, nonprofit organizations, or associations of employees of such employer organized under any law of this state or of the United States.

(10) Payment to any person or organization regulated under the Uniform Consumer Credit Code (IC 24-4.5) for deposit or credit to the employee's account by electronic transfer or as otherwise designated by the employee.

(11) Premiums on policies of insurance and annuities purchased by the employee on the employee's life.

(12) The purchase price of shares or fractional interest in shares in one (1) or more mutual funds.

(13) A judgment owed by the employee if the payment:

(A) is made in accordance with an agreement between the employee and the creditor; and

(B) is not a garnishment under IC 34-25-3.

(14) The purchase of uniforms and equipment necessary to fulfill the duties of employment. The total amount of wages assigned may not exceed the lesser of:

(A) two thousand five hundred dollars (\$2,500) per year; or

(B) five percent (5%) of the employee's weekly disposable earnings (as defined in IC 24-4.5-5-105(1)(a)).

(15) Reimbursement for education or employee skills training. However, a wage assignment may not be made if the education or employee skills training benefits were provided, in whole or in part, through an economic development incentive from any federal, state, or local program.

(16) An advance for:

(A) payroll; or

(B) vacation;

pay.

(c) The interest rate charged on amounts loaned or advanced to an employee and repaid under subsection (b) may not exceed the bank prime loan interest rate as reported by the Board of Governors of the Federal Reserve System or any successor rate, plus four percent (4%).

(Reference is to EHB 1469 as reprinted March 25, 2015.)

OBER BOOTS
WASHBURN PERFECT

House Conferees Senate Conferees

Roll Call 541: yeas 61, nays 32. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 307-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 307 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. IC 24-4.7-4-7, AS ADDED BY P.L.61-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) This section does not apply to the sale, transfer, or provision of a consumer's telephone number to a person that is exempt from this article under IC 24-4.7-1-1.

(b) A telephone solicitor, a supplier, or a caller may not sell, transfer, or make available to another person for solicitation purposes a consumer's telephone number if the telephone solicitor, supplier, or caller knows that the telephone number appears in the most current quarterly listing published by the division.

(c) A telephone solicitor, a supplier, or a caller may not transfer a live call to one (1) or more other persons if the call has been placed to a consumer in violation of this article or IC 24-5-14.

(d) A telephone solicitor, a supplier, or a caller may not provide substantial assistance or support to another person if the telephone solicitor, supplier, or caller knows or consciously avoids knowing that the person has engaged in any act or practice that violates this article or IC 24-5-14.

(e) A person may not provide substantial assistance or support to a telephone solicitor, a supplier, or a caller if the person knows or consciously avoids knowing that the telephone solicitor, supplier, or caller has engaged in any act or practice that violates this article or IC 24-5-14. A communications service provider (as defined in IC 8-1-32.5-4) does not violate this subsection, and this subsection does not:

(1) provide a right of action against a communications service provider; or

(2) subject a communications service provider to any criminal penalties or civil remedies set forth in this article or in IC 24-5-14;

if the communications service provider's equipment or services are used only to transport, handle, or retransmit a communication that violates this article or IC 24-5-14."

Delete page 2.

Page 3, delete lines 1 through 14.

Page 6, delete lines 12 through 24.

Page 13, after line 27, begin a new paragraph and insert:

"SECTION 7. IC 34-30-2-96.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 96.7. IC 24-4.7-4-7(e) (Concerning the use of a communications service provider's equipment or services to transport, handle, or retransmit a communication that violates IC 24-4.7 or IC 24-5-14)."

Renumber all SECTIONS consecutively.

(Reference is to ESB 307 as reprinted April 15, 2015.)

BRAY STEUERWALD

RANDOLPH FORESTAL

Senate Conferees House Conferees

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 47, I request to be excused from voting on the Conference Committee Report for Engrossed Senate Bill 307-01. Pursuant to House Rule 46, the reason for the request is the following:

I am participating directly in litigation on a key subject of the bill, CCR 307-01, through my law firm and feel that in order to safeguard the public's trust in the House of Representatives, I need to be excused from voting on this Conference Committee Report.

DELANEY

Motion prevailed.

The question was on the Conference Committee Report for Engrossed Senate Bill 307-01. Roll Call 542: yeas 89, nays 3. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 370-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 370 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 1-2-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 14. State Aircraft

Sec. 1. The Republic Aviation P-47 Thunderbolt:

- (1) produced in Evansville, Indiana, from 1942 to 1945; and
- (2) commonly known as the "Indiana Warbird"; is designated as the official state aircraft of Indiana.

(Reference is to ESB 370 as printed March 27, 2015.)

BECKER	BACON
ARNOLD	RIECKEN
Senate Conferees	House Conferees

Roll Call 543: yeas 93, nays 0. Report adopted.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

CONFERENCE COMMITTEE REPORT

ESB 426-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 426 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 3-8-1-23, AS AMENDED BY P.L. 76-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 23. (a) A candidate for the office of county assessor must **satisfy the following**:

(1) **The candidate must** have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana.

(2) **The candidate must** own real property located in the county upon taking office. **and**

(3) fulfill the requirements of subsections (b) through (d); as applicable.

(b) A candidate for the office of county assessor who runs in an election after June 30, 2008, must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 before taking office.

(c) A candidate for the office of county assessor who:

(1) did not hold the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2012;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.

(d) A candidate for the office of county assessor who:

(1) held the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2016;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.

SECTION 2. IC 3-8-1-23.6 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 23-6. (a) A candidate for the office of township assessor under IC 36-6-5-1 who runs in an election after June 30, 2008, must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 before taking office.

(b) A candidate for the office of township assessor under IC 36-6-5-1 who:

(1) did not hold the office of township assessor on January 1, 2012; and

(2) runs in an election after January 1, 2012;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.

(c) A candidate for the office of township assessor under IC 36-6-5-1 who:

(1) held the office of township assessor on January 1, 2012; and

(2) runs in an election after January 1, 2016;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.

SECTION 3. IC 6-1.1-1-24, AS AMENDED BY P.L. 1-2010, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. If a transfer from a township assessor to the county assessor of the assessment duties prescribed by this article ~~results from the failure of a person elected to the office of township assessor to attain the certification of a level two assessor-appraiser as provided in IC 3-8-1-23-6; occurs~~ as described in IC 36-2-15-5(c), a reference to the township assessor in this article is considered to be a reference to the county assessor.

SECTION 4. IC 36-2-5-3, AS AMENDED BY P.L. 219-2007, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 3. (a) The county fiscal body shall fix the compensation of officers, deputies, and other employees whose compensation is payable from the county general fund, county highway fund, county health fund, county park and recreation fund, aviation fund, or any other fund from which the county auditor issues warrants for compensation. This includes the power to:

(1) fix the number of officers, deputies, and other employees;

(2) describe and classify positions and services;

(3) adopt schedules of compensation; and

(4) hire or contract with persons to assist in the development of schedules of compensation.

(b) Subject to subsection (c), the county fiscal body shall provide for a county assessor or elected township assessor who has attained a level two or level three certification under IC 6-1.1-35.5 to receive annually one thousand dollars (\$1,000); which is in addition to and not part of the annual compensation of the assessor. Subject to subsection (c), the county fiscal body shall provide for a county or township deputy assessor who has attained a level two or level three certification under IC 6-1.1-35.5 to receive annually five hundred dollars (\$500); which is in addition to and not part of the annual compensation of the county or township deputy assessor.

(c) (b) Notwithstanding subsection (a), the board of each local health department shall prescribe the duties of all its officers and employees, recommend the number of positions, describe and classify positions and services, adopt schedules of compensation, and hire and contract with persons to assist in the development of schedules of compensation.

(d) (c) This section does not apply to community corrections programs (as defined in IC 11-12-1-1 and IC 35-38-2.6-2).

(e) Subsection (b) applies regardless of whether the assessor or deputy assessor attained the level two certification:

(1) while in office; or

(2) before assuming office.

SECTION 5. IC 36-2-5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 3.5. (a) The county fiscal body shall establish a salary schedule in which the salary of a county assessor who has attained a level three certification under IC 6-1.1-35.5 is at least one thousand five hundred dollars (\$1,500) more than the salary of a county assessor who has a level two certification. A salary schedule established under this subsection may take into account salary adjustments retained under subsection (c). If a county assessor who takes office with a level two certification attains a level three certification not later than January 1 of the third year of the county assessor's term of office, the county assessor is entitled to be paid the salary of

a county assessor who has attained a level three certification, beginning on the date the county assessor attains the level three certification.

(b) The county fiscal body shall establish a salary schedule in which the salary of an elected township assessor of the county who has attained a level three certification under IC 6-1.1-35.5 is at least one thousand five hundred dollars (\$1,500) more than the salary of an elected township assessor who has a level two certification. A salary schedule established under this subsection may take into account salary adjustments retained under subsection (c). If a township assessor who takes office with a level two certification attains a level three certification not later than January 1 of the third year of the township assessor's term of office, the township assessor is entitled to be paid the salary of a township assessor who has attained a level three certification, beginning on the date the township assessor attains the level three certification.

(c) Beginning January 1, 2016, the following apply:

(1) The one thousand dollar (\$1,000) additional annual compensation paid under section 3(b) of this chapter (before its repeal on January 1, 2016) to a county assessor or an elected township assessor who has attained a level two or level three certification under IC 6-1.1-35.5 shall be paid as part of the annual compensation of the assessor.

(2) The five hundred dollar (\$500) additional annual compensation paid under section 3(b) of this chapter (before its repeal on January 1, 2016) to a county or township deputy assessor who has attained a level two or level three certification under IC 6-1.1-35.5 shall be paid as part of the annual compensation of the assessor.

It is the intent of this subsection that after December 31, 2015, there not be a reduction in the annual compensation paid to an individual under section 3(b) of this chapter because of its repeal on January 1, 2016.

(d) The county fiscal body shall establish a salary schedule in which the salary of county or township deputy assessor who has attained a level two or level three certification under IC 6-1.1-35.5 is at least five hundred dollars (\$500) more than the salary of a deputy assessor who has not attained a level two or a level three certification, beginning on the date the township assessor attains the level two or level three certification. A salary schedule established under this subsection may take into account salary adjustments retained under subsection (c).

SECTION 6. IC 36-2-15-2, AS AMENDED BY P.L.88-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A county assessor shall be elected under IC 3-10-2-13 by the voters of the county.

(b) To be eligible to serve as an assessor, a ~~person~~ **individual** must meet the following qualifications prescribed by ~~IC 3-8-1-23~~ before taking office:

(1) If the individual has never held the office of county assessor, the individual must have attained a level two assessor-appraiser certification under IC 6-1.1-35.5.

(2) If the individual has held the office of county assessor, the individual must have attained a level three assessor-appraiser certification under IC 6-1.1-35.5.

(c) A county assessor must reside within the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The assessor forfeits office if the assessor ceases to be a resident of the county.

(d) The term of office of a county assessor is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

SECTION 7. IC 36-2-15-5, AS AMENDED BY P.L.76-2014, SECTION 65, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor, including the following:

(1) Countywide equalization.

(2) Selection and maintenance of a countywide computer system.

(3) Certification of gross assessments to the county auditor.

(4) Discovery of omitted property.

(5) In:

(A) a township in which the transfer of duties of the elected township assessor is required by subsection (c); or

(B) a township in which the duties relating to the assessment of tangible property are not required to be performed by a township assessor elected under IC 36-6-5;

performance of the assessment duties prescribed by IC 6-1.1.

(b) A transfer of duties between assessors does not affect:

(1) any assessment, assessment appeal, or other official action made by an assessor before the transfer; or

(2) any pending action against, or the rights of any party that may possess a legal claim against, an assessor that is not described in subdivision (1).

Any assessment, assessment appeal, or other official action of an assessor made by the assessor within the scope of the assessor's official duties before the transfer is considered as having been made by the assessor to whom the duties are transferred.

(c) If

(+) for a particular general election after June 30, 2008, the ~~person~~ **individual** elected to the office of township assessor has not attained the ~~assessor-appraiser~~ certification of a level two assessor-appraiser or

(2) for a particular general election after January 1, 2016, the person elected to the office of township assessor has not attained the certification of a level three assessor-appraiser;

as provided in ~~IC 3-8-1-23.6~~ level required by IC 36-6-5-1 before the date the term of office begins, the assessment duties prescribed by IC 6-1.1 that would otherwise be performed in the township by the township assessor are transferred to the county assessor on that date. If assessment duties in a township are transferred to the county assessor under this subsection, those assessment duties are transferred back to the township assessor if at a later election a ~~person~~ **an individual** who has attained the required level of assessor-appraiser certification referred to in subdivision (+) or (2) level required by IC 36-6-5-1 is elected to the office of township assessor.

(d) If assessment duties in a township are transferred to the county assessor under subsection (c), the office of elected township assessor remains vacant for the period during which the assessment duties prescribed by IC 6-1.1 are transferred to the county assessor.

(e) A referendum shall be held under sections 7-4 through 11 of this chapter in each township in which the number of parcels of real property on January 1, 2008; is at least fifteen thousand (15,000) to determine whether to transfer to the county assessor the assessment duties prescribed by IC 6-1.1 that would otherwise be performed by the elected township assessor of the township.

SECTION 8. IC 36-2-15-7.4 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 7.4: (a) Assessment duties are transferred to the county assessor as described in section 5(e) of this chapter only if a majority of the individuals in the township who vote in a referendum that is conducted in accordance with this section and sections 8 through 11 of this chapter approves the transfer.

(b) The question to be submitted to the voters in the

referendum must read as follows:

"Should the assessing duties of the elected township assessor in the township be transferred to the county assessor?"

SECTION 9. IC 36-2-15-8 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 8: (a) The county legislative body shall act under IC 3-10-9-3 to certify the question to be voted on at the referendum under this chapter to the county election board:

(b) Each county clerk shall, upon receiving the question certified by the county legislative body under subsection (a), call a meeting of the county election board to make arrangements for the referendum:

(c) The referendum shall be held in the general election in 2008:

(d) The referendum shall be held under the direction of the county election board, which shall take all steps necessary to carry out the referendum:

(e) Not less than ten (10) days before the date on which the referendum is to be held, the county election board shall cause notice of the question that is to be voted upon at the referendum to be published in accordance with IC 5-3-1:

SECTION 10. IC 36-2-15-9 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 9: Each county election board shall cause:

(1) the question certified to the circuit court clerk by the county legislative body to be placed on the ballot in the form prescribed by IC 3-10-9-4; and

(2) an adequate supply of ballots and voting equipment to be delivered to the precinct election board of each precinct in which the referendum under this chapter is to be held:

SECTION 11. IC 36-2-15-10 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 10: The individuals entitled to vote in a referendum under this chapter are all the registered voters resident in the township in which the referendum is held:

SECTION 12. IC 36-2-15-11 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 11: (a) Each precinct election board shall count the affirmative votes and the negative votes cast in the referendum under this chapter and shall certify those two (2) totals to the county election board of the county. The circuit court clerk of the county shall, immediately after the votes cast in the referendum have been counted, certify the results of the referendum to the county legislative body. Upon receiving the certification of all the votes cast in the referendum, the county legislative body shall promptly notify the department of local government finance of the result of the referendum. If a majority of the individuals who voted in the referendum voted "yes" on the referendum question:

(1) the county legislative body shall promptly notify:

(A) the county assessor;

(B) the elected township assessor in the township; and

(C) each candidate in an election described in subsection (b);

of the results of the referendum; and

(2) with respect to a particular elected township assessor in the county, the assessment duties prescribed by IC 6-1-1 are transferred to the county assessor on January 1, 2009:

(b) If:

(1) an election is held in the general election in 2008 of an elected township assessor; and

(2) a majority of the individuals who voted in the referendum held under this chapter voted "yes" on the referendum question;

the results of the election of the elected township assessor are nullified:

SECTION 13. IC 36-2-16-8, AS AMENDED BY P.L.146-2008, SECTION 699, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The county assessor may appoint the number of full-time or part-time deputies and employees authorized by the county fiscal body.

(b) After June 30, 2009; Before July 1, 2017, an employee

of the county assessor who performs real property assessing duties must have attained the level of certification under IC 6-1.1-35.5 that the county assessor is required to attain under IC 3-8-1-23: IC 36-2-15-2(b).

(c) After June 30, 2017, an employee of the county assessor who is responsible for placing an assessed valuation on real property must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5.

(d) This subsection applies after June 30, 2017. If the county assessor has not attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5, the county fiscal body shall authorize either of the following:

(1) The appointment of at least one (1) deputy or employee who has attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5.

(2) Contracting with a person who has attained, or who employs for purposes of the contract an individual who has attained, the certification of a level three assessor-appraiser under IC 6-1.1-35.5. The individual under contract with the county assessor under this subdivision shall assist the county assessor with assessment duties as determined by the county assessor.

Payment for the deputy, employee, or contractor shall be made from the budget for the county assessor.

SECTION 14. IC 36-6-5-1, AS AMENDED BY P.L.1-2009, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Subject to subsection (g), before 2009, a township assessor shall be elected under IC 3-10-2-13 by the voters of each township:

(1) having:

(A) a population of more than eight thousand (8,000); or

(B) an elected township assessor or the authority to elect a township assessor before January 1, 1979; and

(2) in which the number of parcels of real property on January 1, 2008, is at least fifteen thousand (15,000).

(b) Subject to subsection (g), before 2009, a township assessor shall be elected under IC 3-10-2-14 (repealed effective July 1, 2008) in each township:

(1) having a population of more than five thousand (5,000) but not more than eight thousand (8,000), if:

(A) the legislative body of the township, by resolution, declares that the office of township assessor is necessary; and

(B) the resolution is filed with the county election board not later than the first date that a declaration of candidacy may be filed under IC 3-8-2; and

(2) in which the number of parcels of real property on January 1, 2008, is at least fifteen thousand (15,000).

(c) Subject to subsection (g), a township government that is created by merger under IC 36-6-1.5 shall elect only one (1) township assessor under this section.

(d) Subject to subsection (g), after 2008 a township assessor shall be elected under IC 3-10-2-13 only by the voters of each township in which:

(1) the number of parcels of real property on January 1, 2008, is at least fifteen thousand (15,000); and

(2) the transfer to the county assessor of the assessment duties prescribed by IC 6-1.1 is disapproved in the referendum under IC 36-2-15.

(e) The township assessor must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The assessor forfeits office if the assessor ceases to be a resident of the township.

(f) The term of office of a township assessor is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. However, the term of office of a township assessor elected at a general election in which no

other township officer is elected ends on December 31 after the next election in which any other township officer is elected.

(g) **A person who runs for the office of township assessor in an election after June 30, 2008, is subject to IC 3-8-1-23.6. To be eligible to serve as a township assessor, an individual must meet the following qualifications before taking office:**

(1) If the individual has never held the office of township assessor, the individual must have attained a level two assessor-appraiser certification under IC 6-1.1-35.5.

(2) If the individual has held the office of township assessor, the individual must have attained a level three assessor-appraiser certification under IC 6-1.1-35.5.

(h) After June 30, 2008, the county assessor shall perform the assessment duties prescribed by IC 6-1.1 in a township in which the number of parcels of real property on January 1, 2008, is less than fifteen thousand (15,000).

SECTION 15. IC 36-6-5-4, AS ADDED BY P.L.146-2008, SECTION 712, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. ~~After June 30, 2009, (a) Before July 1, 2017~~, an employee of a township assessor who performs real property assessing duties must have attained the level of certification under IC 6-1.1-35.5 that the township assessor is required to attain under ~~IC 3-8-1-23.6~~; **section 1(g) of this chapter.**

(b) After June 30, 2017, an employee of a township assessor who is responsible for placing an assessed valuation on real property must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5.

(c) This subsection applies after June 30, 2017. If the township assessor has not attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5, the township fiscal body shall authorize either of the following:

(1) The appointment of at least one (1) deputy or employee who has attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5.

(2) Contracting with a person who has attained, or who employs for purposes of the contract an individual who has attained, the certification of a level three assessor-appraiser under IC 6-1.1-35.5. The individual under contract with the township assessor under this subdivision shall assist the township assessor with assessment duties as determined by the township assessor.

Payment for the deputy, employee, or contractor shall be made from the budget for the township assessor.

(Reference is to ESB 426 as reprinted April 1, 2015.)

HOUCHIN	TRUITT
BRODEN	PRYOR
Senate Conferees	House Conferees

Roll Call 544: yeas 68, nays 25. Report adopted.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

HB 1236 M. Smith replacing Bartlett as conferee.

RESOLUTIONS ON FIRST READING

House Resolution 72

Representatives Moed and Judy introduced House Resolution 72:

A HOUSE RESOLUTION urging the legislative council to assign the appropriate study committee to study and make recommendations concerning issues related to facilitating an Indiana based local farm and food product economy.

Whereas, There is a growing concern over access to healthy and affordable food options in small towns and urban neighborhoods;

Whereas, There exists in our country today large areas called food deserts whose population is without access to affordable foods;

Whereas, There is an attempt to seek to leverage our state's rich history and tradition in agriculture to help provide a solution to this problem;

Whereas, The creation of the Indiana Farm and Food Council, bringing together state agencies, Purdue University, farmers, distributors, retailers, and the nonprofit community, could help to identify workable solutions to address the problem of access to healthy and affordable food options; and

Whereas, The issues relating to facilitation of an Indiana based local farm and food product economy merits further study: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign the appropriate study committee to study and make recommendations concerning issues related to facilitating an Indiana based local farm and food product economy.

SECTION 2. The committee's topics could include:

1. The study of ways to grow Indiana's local food production.
2. The study of the distribution, retail sale of food, and areas that lack access.
3. The study of strategies to help empower and educate Hoosiers to make healthier food choices.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 73

Representatives Bartlett and Ubelhor introduced House Resolution 73:

A HOUSE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of equipping school buses with lap and shoulder safety belts.

Whereas, Millions of children rely on school buses to transport them to and from school safely each day;

Whereas, Seat belts are not currently required in school buses in the state of Indiana;

Whereas, The issue of seat belts on school buses has a long history of debate in Indiana; and

Whereas, To insure the safety of Hoosier children, it is fitting and proper that further study be done on this issue: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of equipping school buses with lap and shoulder safety belts.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 87

Representatives Moed and Zent introduced House Concurrent Resolution 87:

A CONCURRENT RESOLUTION honoring Indiana University-Purdue University Indianapolis Chancellor Charles R. Bantz.

Whereas, Charles R. Bantz will be stepping down as chancellor of Indiana University-Purdue University Indianapolis (IUPUI) on August 15, 2015;

Whereas, Chancellor Bantz has guided the urban university through a time of growth and student success;

Whereas, Charles R. Bantz joined IUPUI as chancellor and IU vice president for long-range planning in 2003 and was named IU executive vice president in 2006;

Whereas, After a one-year leave, Chancellor Bantz will return to IUPUI as a member of the faculty;

Whereas, Chancellor Bantz came to IUPUI from Wayne State University in Detroit, where he was provost and senior vice president;

Whereas, During his tenure, Chancellor Bantz has seen tremendous growth and change come to the urban campus;

Whereas, The number of student organizations has increased by 221 percent, going from 140 to 450 organizations; a new campus center was opened in 2008; the number of students living on campus has increased by 251 percent, going from 564 to 1,979; and the IUPUI Regatta was established in 2009 as a premier campus event;

Whereas, The makeup of the student body is changing as well with 19 percent of the student body coming from minorities, the number of international students attending the university has risen from 925 in 2004 to 1,837 in 2014, and the percentage of freshmen from the top quartile of their high school classes increased from 32 percent to 45 percent;

Whereas, Active in the national higher education community, Chancellor Bantz has served as a member of the NCAA Division I board of directors and the NCAA Executive Committee from 2007 to 2011, is chair of the Coalition of Urban Serving Universities, and has been a member of the Association of Public and Land-Grant Universities board of directors;

Whereas, Also active in the local community, Chancellor Bantz serves on the board of directors of the United Way of Central Indiana, Indianapolis Downtown, Inc., Greater Indianapolis Chamber of Commerce, Greater Indianapolis Progress Committee, Indiana Sports Corporation, Indiana Campus Compact, and the Economic Club of Indiana;

Whereas, Chancellor Bantz also served as the 2011-2012 president of the Economic Club of Indiana Board of Governors;

Whereas, During his time leading IUPUI, the university has received numerous awards and accolades, including being named a Top 200 National University by U.S. News and World Report, being selected as an "Up and Coming National University" by U.S. News and World Report for five years, being selected as the "8th Best Public University in the Midwest" by Forbes Magazine, receiving the President's Higher Education Community Service Award six times (twice with distinction), receiving the Heiskell Award for Innovation in International Partnerships, being listed among the Top 30 Best U.S. Non-HBCU Schools for Minorities by Diverse: Issues in Higher Education, being reclassified by the Carnegie Foundation for the Advancement of Teaching as a Community Engaged Campus, and being selected as one of the top five "Best Neighbor" colleges or universities based on a survey by the Netter Center for Community Partnerships;

Whereas, Chancellor Bantz holds a bachelor's degree in English education from the University of Minnesota, a master's degree in speech communication from the University of Minnesota, and a Ph.D. from Ohio State University in communication;

Whereas, Chancellor Bantz is a published author with books and articles on organizational communication, student success, internationalization, and television news; and

Whereas, As chancellor of Indiana University-Purdue University Indianapolis, Charles R. Bantz has made numerous contributions to higher education in the state of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to acknowledge the many contributions of Chancellor Charles R. Bantz and to thank him for his dedication to the youth of our state.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Chancellor Charles R. Bantz.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Waltz.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On April 27, 2015, I signed into law House Enrolled Acts 1016, 1080, 1093, 1119, 1165, 1196, 1471, 1505 and 1601.

MICHAEL R. PENCE
Governor

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1004 and 1270 on April 27.

HOUSE MOTION

Mr. Speaker: I move that Representatives Arnold, Austin, Aylesworth, Bacon, Baird, Bauer, Behning, Beumer, Borders, M. Braun, C. Brown, T. Brown, Carbaugh, Cherry, Clere, Cook, Cox, Culver, Davisson, Dermody, DeVon, Dvorak, Eberhart, Errington, Forestal, Friend, Frizzell, Frye, GiaQuinta, Goodin, Gutwein, Hale, Hamm, Harman, Heaton, Huston, Judy, Karickhoff, Kersey, Kirchhofer, Koch, Lawson, Lehe, Lehman, Leonard, Lucas, Macer, Mahan, Mayfield, McMillin, McNamara, Miller, Moed, Morris, Morrison, Moseley, Negele, Niezgodski, Nisly, Ober, Olthoff, Pelath, Porter, Price, Pryor, Rhoads, Richardson, Riecken, Saunders, Schaibley, Shackelford, Slager, Smaltz, M. Smith, V. Smith, Soliday, Speedy, Stemler, Steuerwald, Sullivan, Summers, Thompson, Torr, Truitt, Ubelhor, VanNatter, Washburne, Wesco, Wolkins, Wright, Zent and Ziemke be added as coauthors of House Resolution 59.

BOSMA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pryor be added as coauthor House Resolution 52.

ERRINGTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Pryor and V. Smith be added as coauthors of House Resolution 63.

ERRINGTON

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed Senate Bills 166, 168, 298, 508 and 509.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed House Bills 1108, 1181, 1278, 1333, 1435 and 1531.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 137, 261, 324 and 466.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 85 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 35, 50, 53 and 55 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed Senate Bill 425:

Conferees: Arnold replacing Mrvan

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 528:

Conferees: Pete Miller, Chairman; and Breaux
Advisors: Delph, Randolph and Raatz

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1371:

Conferees: Steele and Taylor
Advisors: M. Young and Broden

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1469:

Conferees: Perfect replacing Tallian

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1635:

Conferees: Kruse and Stoops
Advisors: Pete Miller, Mrvan and Bassler

JENNIFER L. MERTZ
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative V. Smith, the House adjourned at 6:51 p.m., this twenty-seventh day of April, 2015, until Tuesday, April 28, 2015, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives